



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No. 03228-09
25 June 2009

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 18 Mar 09
(2) PERS-911 memo dtd 20 May 09
(3) PERS-80 memo dtd 28 May 09

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show she accepted her commission in the Navy Reserve without a break in service. She also requested, in the event she missed the Fiscal Year (FY) 10 Reserve Line Lieutenant Commander Selection Board because of her break in service, consideration by a special selection board (SSB) for the FY 10 promotion board. That promotion board convened on 28 April 2009, before the Board considered Petitioner's case, so she did miss it. In light of the corrective action indicated below, she may submit her SSB request via the Navy Personnel Command (NPC) interactive web page.

2. The Board, consisting of Ms. LeBlanc and Messrs. Blanchard and J. Hicks, reviewed Petitioner's allegations of error and injustice on 25 June 2009, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Except as indicated in paragraph 1 above, before applying to this Board, Petitioner exhausted all administrative

remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was discharged from the Regular Navy on 17 November 2008. She did not accept her commission in the Navy Reserve until 25 March 2009, creating a break in service.

c. In enclosures (2) and (3), the NPC offices with cognizance over the subject matter of Petitioner's case have commented to the effect her request has merit and warrants favorable action, specifically, correction of her record to show she accepted her commission on 18 November 2008.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show she accepted her commission in the Navy Reserve on 18 November 2008, vice 25 March 2009.

b. That her anniversary date and pay entry base date be adjusted accordingly.

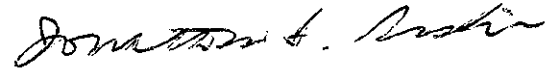
c. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.


4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was

present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director