



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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HD  
Docket No. 09153-12  
25 October 2013

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 24 Aug 12 w/attachments  
(2) Memo for Record dtd 16 Jan 13  
(3) BUMED ltr dtd 12 Oct 12  
(4) PERS-831 memo dtd 11 Dec 12  
(5) PERS-831 memo dtd 18 Oct 13

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 award him one additional year of entry grade credit (EGC), so that his lieutenant date of rank on his commission in the Medical Corps, U. S. Navy, will be changed from 19 May 2007 to 22 April 2006. Enclosure (2) shows Petitioner has agreed to changing his lieutenant date of rank to 19 May 2006. He also requested that his lieutenant commander date of rank and effective date be adjusted accordingly. He was promoted to lieutenant commander, pursuant to selection by the Fiscal Year (FY) 13 Staff Lieutenant Commander Selection Board, with a date of rank and effective date of 1 September 2013.

2. The Board, consisting of Messrs. Spooner, Swarens and Wilson, reviewed Petitioner's allegations of error and injustice on 24 October 2013, 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 and 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In enclosure (3), the Bureau of Medicine and Surgery has commented to the effect that Petitioner's request for one additional year of EGC has merit and warrants favorable action.

c. In enclosure (4), PERS-831, the Navy Personnel Command office with cognizance over officer programs, has commented to the effect that Petitioner's request for one additional year of EGC should be approved and that his lieutenant date of rank should be adjusted accordingly to 19 May 2006.

d. In enclosure (5), PERS-831 commented to the effect that with a lieutenant date of rank of 19 May 2006, Petitioner would have been eligible for consideration by the FY 12 Staff Lieutenant Commander Selection Board, and if selected by that promotion board, he would have been promoted with a date of rank and effective date of 1 September 2012. PERS-831 recommended adjusting Petitioner's lieutenant commander date of rank and effective date accordingly, to 1 September 2012.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) through (5), the Board finds an error and injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he was awarded one additional year of EGC; and that his commission as a lieutenant, Medical Corps, U. S. Navy be corrected accordingly to show his date of rank as 19 May 2006, rather than 19 May 2007.


b. That his record be corrected further to show his date of rank and effective date in the grade of lieutenant commander as 1 September 2012, rather than 1 September 2013; and that his lineal precedence 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.

  
FOR W. DEAN PFEIFFER  
Executive Director