



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd  
Docket No: 03472-99  
30 August 1999

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

Subj: LT [REDACTED], USNP [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 11 Apr 99 w/attachments  
(2) Pers-911 memo dtd 28 Jul 99 w/enclosure  
(3) Subject's naval record

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 he accepted his Naval Reserve commission on 1 February 1998, rather than 11 February 1998.

2. The Board, consisting of Messrs. Bartlett, Ensley and Schultz, reviewed Petitioner's allegations of error and injustice on 19 August 1999, 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, naval records, 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 correspondence attached as enclosure (2), the Navy Personnel Command office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They commented that at such time as his case is granted, they will issue a corrected statement of service to reflect no break in service, and they will inform the Reserve Officer Promotions Branch, so that they may schedule Petitioner for a special promotion selection board.

**CONCLUSION:**

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

**RECOMMENDATION:**

- a. That Petitioner's naval record be corrected, where appropriate, to show Petitioner accepted his Naval Reserve commission on 1 February 1998, rather than 11 February 1998; and that his anniversary date and pay entry base date be changed accordingly.
- b. That PERS-86 be advised of this action, so Petitioner may be scheduled for a special selection board.
- 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



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

3472-99

5420  
Pers-911  
28 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00XCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
LT [REDACTED], USNR, [REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 21 Jul 99  
(2) NAVCRUIT 1000/20 ICO [REDACTED]

1. Enclosure (1) is forwarded with the following comments and recommendations concerning LT Schmidt's case.
2. Based on the information in [REDACTED]'s petition, we agree that there was an administrative oversight in the signing of his Oath of Office, enclosure (2). The instructions forwarded with the Oath of Office state that it is to be signed the day following separation from active duty. The separating activity should have ensured that this action was completed.
3. Since the Oath of Office is already filed in his permanent record at Navy Personnel Command, we recommend the following actions:

The date of acceptance on enclosure (2) be changed from 11 February 1998 to 1 February 1998.

When this change is made, we will issue a corrected statement of service to reflect no break in service and will inform the Reserve Officer Promotions Branch so that they may schedule LT [REDACTED] for a special promotion board. My point of contact in this matter is [REDACTED]

[REDACTED]  
[REDACTED]  
Director, Naval Reserve Personnel  
Administration Division

3472-96

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OFFICER APPOINTMENT ACCEPTANCE AND OATH OF OFFICE

1. NAME (LAST, FIRST, MIDDLE) [REDACTED]		2. STATUS BEFORE APPT. [REDACTED]			3. PC 72		
ADDRESS COMMANDER [REDACTED]							
[REDACTED]							
[REDACTED]							
4. SSN [REDACTED]	5. Y Y	6. DESIG. 1325	7. S M	8. A [REDACTED]	9. OSO 380	10. CSC 710	
11. BC C	12. DATE OF BIRTH 6 NOV 27		13. PERM. GRADE LT	14. PERM. GRADE DATE 91 APR 01	15. PRES. GRADE LT	16. PRES. GRADE DATE 91 APR 01	
17. NULL & VOID DATE 99 FEB 01		18. TYPE OF DUTY <input type="checkbox"/> 18. ACTIVE <input checked="" type="checkbox"/> 19. INACTIVE		20. TYPE OF APPOINTMENT <input type="checkbox"/> 20. TEMPORARY <input checked="" type="checkbox"/> 21. PERMANENT		22. STATUS <input type="checkbox"/> 22. CONFIRMED <input type="checkbox"/> 23. AD INTERIM	
24. USN [REDACTED]		25. USNR X		26. AUTHORITY 10 USC 12203		27. PLSO 97A	
28. [REDACTED]		29. BUPERS USE ONLY B		[REDACTED]			

THE PRESIDENT OF THE U.S. NAVY UNDER THE CONDITIONS INDICATED IN THIS DOCUMENT, DO YOU AS AN OFFICER IN THE U.S. NAVY UNDER THE CONDITIONS INDICATED IN THIS DOCUMENT, DO ACCEPT YOU MUST COMPLETE OATH OF OFFICE. IF IT IS NOT ACCEPTED SIGN AND REASONS FOR NON-ACCEPTANCE:

AUTHENTICATED: [REDACTED] CODE 13 0 6 JAN 1998

OATH OF OFFICE

From: [REDACTED]  
To: [REDACTED]

FINISH FILE PERS 911

I HAVING BEEN APPOINTED LT (P) IN THE U.S. NAVY UNDER THE CONDITIONS INDICATED IN THIS DOCUMENT, DO ACCEPT SUCH APPOINTMENT AND DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME; THAT I TAKE THIS OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION OR PURPOSE OF EVASION; AND THAT I WILL WELL AND FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Copy to:

A & O RECEIVED  
MAR - 3 1998  
NOTED FOR REPORT  
CODE 13 NAVCRUITCOM

[REDACTED SIGNATURE]  
(SIGNATURE OF APPOINTEE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS

[REDACTED SIGNATURE] 19 98  
(SIGNATURE AND GRADE OF WITNESSING OFFICER)

DECLINATION OR DISQUALIFICATION

- NOT OFFERED
- NOT ACCEPTED

\_\_\_\_\_  
(APPOINTEE/COMMANDING OFFICER SIGNATURE) (DATE)

REASON \_\_\_\_\_