



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 07446-99

16 February 2000

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

Subj: LCDR [REDACTED], JAGC, USNR, [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 20 Nov 99 w/attachments
(2) PERS-911 memo dtd 25 Jan 00
(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 change the acceptance date of her original commission as a lieutenant commander, Judge Advocate General Corps (JAGC), United States Naval Reserve (USNR) from 1 October 1999 to 29 September 1999.

2. The Board, consisting of Ms. Humberd and Nofziger and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 10 February 2000, 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 (NPC) 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 further stated that after the acceptance date of her commission is changed as she requested, they will issue a corrected statement of service to reflect no break in service.

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 the date of acceptance of her original commission as a lieutenant commander, JAGC, USNR as 29 September 1999 vice 1 October 1999; and that her pay entry base date and anniversary date be adjusted accordingly.

b. 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.

c. 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
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
W. DEAN PFEIFFER
Executive Director

7446-99



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

5420
Pers-911
25 Jan 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

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

Encl: (1) BCNR memo 5420 Pers-00ZCB of 19 Jan 00

1. Enclosure (1) is forwarded with the following comments and recommendations concerning LCDR [REDACTED]'s request to adjust the date of her Reserve Officer appointment. We recommend that her date of appointment be changed from 1 October 1999 to 29 September 1999.

2. Based on the information in LCDR [REDACTED]'s petition, we agree that there was an administrative oversight in the signing of her Oath of Office. LCDR [REDACTED] signed her Oath of Office with an effective date of 1 October 1999 as advised by the Personnel Support Detachment. This date was based on their estimate of when her terminal leave would expire. Unfortunately, their computation was in error.

3. LCDR [REDACTED] Oath of Office is currently on file in her permanent record at Navy Personnel Command. We will issue a corrected statement of service to reflect no break in service after the date of acceptance is changed.

4. Point of contact in this matter is [REDACTED] at DSN [REDACTED] commercial [REDACTED]

[REDACTED]

Director, Naval Reserve Personnel
Administration Division