



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

HD:hd  
Docket No: 06396-99  
11 February 2000

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

Subj: LT [REDACTED], NC, USN, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 7 Oct 99  
(2) N131M5 memo dtd 4 Nov 99  
(3) PERS-85 memo dtd 16 Dec 99  
(4) 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 so that her date of rank and effective date in the grade of lieutenant will be two years from her date of rank in the grade of lieutenant junior grade, which is 19 October 1996. Her current lieutenant date of rank and effective date are 1 October 1999.

2. The Board, consisting of Messrs. Milner, Schultz and Swarens, reviewed Petitioner's allegations of error and injustice on 3 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 Nurse Corps Officer Community Manager has commented to the effect that Petitioner's request has merit and warrants favorable action. That officer stated that she entered the Navy on 9 August 1997; that she received entry grade credit giving her a lieutenant junior grade date of rank of 19 October 1996; that this made her eligible to be considered by the Fiscal Year (FY) 99 Staff Lieutenant Selection Board; that although she had submitted a letter requesting to be considered and receipt of this letter had been acknowledged, she was not considered; that she was considered and selected by the FY 00 Staff Lieutenant Selection Board; and that it is his

opinion that had she been considered by the FY 99 board as she requested, she would have been selected.

c. In correspondence attached as enclosure (3), the Navy Personnel Command office having cognizance over active duty promotions has recommended approval of Petitioner's request to backdate her date of rank commensurate with the date which would have resulted from her selection by the FY 99 Staff Lieutenant Selection Board. They state she properly waived her deferral from consideration by that promotion board, but was not considered because of administrative error. They recommend changing her lieutenant date of rank (and by implication, effective date) to 1 November 1998.

#### 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 injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of lieutenant as 1 November 1998; and that her lineal precedence 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  
Executive Director



**Memorandum** from the  
**NC & TNWO Officer Community Manager**  
**(N-131M5)**

November 4, 1999

To: BCNR Coordinator (PERS-00ZCB)

Subj: REQUEST FOR ADVISORY OPINION IC [REDACTED]

Encl: (1) Copy [REDACTED] letter to the President FY99 LT Staff Corps Selection Board  
(2) Copy of return receipt from BUPERS

1. It is BUPERS policy that newly accessed officers who are granted entry grade credit that places them in-zone for selection by the next regularly scheduled promotion board before they have served one year on active duty will automatically be deferred from consideration by the board unless the officer specifically requests such consideration.
2. [REDACTED] on active duty on August 9, 1997. With entry grade credit for her masters degree and previous work experience, she was granted a LTjg date of rank of 961019. This made her eligible for the FY99 LT selection board. She submitted a letter requesting to be considered for promotion by the board (Enclosure 1) and received a return receipt (Enclosure 2) indicating that it had been received. For some reason, the board did not consider her. She was subsequently considered by the FY00 LT selection board "above zone previously not considered," and was selected.
3. Nurse Corps selection to LT is virtually assured without an adverse performance entry in the record. It is my opinion that, had she been considered by the FY99 board as requested, she would have been selected. Therefore, I recommend her request be approved.

Respectfully

[REDACTED SIGNATURE]

CAPT, NC, USN



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

6396-99

5420  
Ser 85/270  
16 Dec 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED] NC, USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of [REDACTED]'s request to backdate her date of rank commensurate with the date which would have resulted from her selection from the FY-99 Active Lieutenant Staff Promotion Selection Board.

2. [REDACTED] had properly waived her deferral prior to the FY-99 board, however, due to administrative error by BUPERS, failed to be considered. Her record was subsequently reviewed before the FY-00 Active Lieutenant Staff Promotion Selection Board and she was selected. Her current date of rank is 1 October 1999.

3. Recommend that her date of rank be backdated to 1 November 1998.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division