



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

HD:hd
Docket No: 04678-02
8 August 2002

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

Subj: LCDR [REDACTED], USN [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 30 Apr 02
(2) PERS-80 memo dtd 10 Jul 02 w/ref (a)
(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 his lieutenant commander date of rank and effective date as 1 October 2001, the date he would have been assigned but for delay of his Senate confirmation. He currently has a 16 October 2001 date of rank and effective date.

2. The Board, consisting of Messrs. Kastner, Schultz and Zsalmán, reviewed Petitioner's allegations of error and injustice on 8 August 2002, 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 recommend changing his lieutenant commander date of rank (and by implication, effective date) to 1 October 2001.

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:

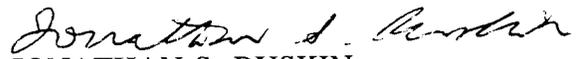
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant commander as 1 October 2001, vice 16 October 2001; and that his lineal precedence be adjusted accordingly.

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
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

5420
10 JUL 2002

MEMORANDUM FOR BCNR

Subj: ACTIVE DUTY PROMOTIONS TO THE PERMANENT GRADE OF
LIEUTENANT COMMANDER LINE

Ref: (a) CNO WASHINGTON DC 182027Z OCT 01

1. Recommend approval of all BCNR requests, submitted by the officers listed in reference (a), to adjust their dates of rank to 1 October 2001.

2. In accordance with the Active Duty FY-02 Officer Promotion Plan, the officers listed in reference (a) were scheduled for promotion on 1 October 2001. However, the Senate did not confirm the FY-02 Active Duty Lieutenant Commander Line promotion list until 16 October 2001. The delayed confirmation of the promotion list resulted in the listed officers being assigned a date of rank of 16 October 2001.

3. Recommend the dates of rank for all officers listed in reference (a) be changed to 1 October 2001.

[Redacted signature block]

Director, Career Officer Progression

2678-02

ADMINISTRATIVE MESSAGE

ROUTINE

R 182027Z OCT 01 ZYB MIN PSN 448983J36

FM CNO WASHINGTON DC//N1//

TO NAVADMIN

UNCLAS //N00000//
NAVADMIN 277/01

MSGID/GENADMIN/N1//

SUBJ/ACTIVE DUTY PROMOTIONS TO THE PERMANENT OR TEMPORARY GRADE
/OF LIEUTENANT COMMANDER LINE AND STAFF CORPS//

REF/A/DOC/CONGRESS/01OCT1996//

REF/B/DOC/CONGRESS/01OCT1996//

REF/C/DOC/SECNAV/24JUL1985//

REF/D/DOC/SECNAV/08JAN1991//

REF/E/DOC/SECNAV/15NOV1989//

REF/F/DOC/SECNAV/13DEC1999//

REF/G/DOC/NAVPERS/01OCT1999//

NARR/REF A IS 10 U.S.C. 624. REF B IS 10 U.S.C. 5596. REF C IS
SECNAVINST 1210.5A. REF D IS SECNAVINST 1420.1A. REF E IS
SECNAVINST 1811.3M. REF F IS SECNAVINST 1920.6B. REF G IS NAVPERS
FORM 1421/7 REV. 10-99.//

RMKS/1. THIS NAVADMIN IS THE AUTHORITY FOR EFFECTING TEMPORARY AND
PERMANENT OFFICER PROMOTIONS. UNDER REF A, THE SECRETARY OF THE
NAVY, ACTING FOR THE PRESIDENT OF THE UNITED STATES, APPOINTS
PERMANENT REGULAR AND RESERVE OFFICERS TO THE GRADE OF LIEUTENANT
COMMANDER IN THE LINE AND STAFF CORPS. PER REF B, THE SECRETARY OF
THE NAVY TEMPORARILY APPOINTS LIMITED DUTY OFFICERS. THESE
APPOINTMENTS ARE EFFECTIVE ON THE DATE INDICATED.

2. RESERVE OFFICERS SHOULD CONSULT REF C FOR INFORMATION CONCERNING
TRANSFER TO THE REGULAR NAVY. DIRECT INQUIRIES TO NAVPERSCOM
(PERS-801).

3. IF A COMMANDING OFFICER DETERMINES THAT AN OFFICER UNDER HIS OR
HER COMMAND IS NOT MENTALLY, PHYSICALLY, MORALLY, OR PROFESSIONALLY
QUALIFIED FOR PROMOTION, THE PROMOTION SHALL NOT BE EFFECTED. IF
THIS IS THE CASE, THE COMMANDING OFFICER SHOULD NOTIFY THE OFFICER
BEFORE THE EFFECTIVE DATE OF APPOINTMENT, UNLESS IT IS IMPRACTICAL TO
DO SO, IN WHICH CASE NOTIFICATION WILL BE AS SOON AS POSSIBLE. REF D
REQUIRES THAT SUPPORTING DOCUMENTATION AND A STATEMENT FROM THE
OFFICER BE FORWARDED IMMEDIATELY TO NAVPERSCOM (PERS-83), COPY TO
NAVPERSCOM (PERS-8023).

4. OFFICERS CONSIDERING VOLUNTARY RETIREMENT SHOULD REVIEW REF E FOR

4678-07

SERVICE OBLIGATION UPON ACCEPTING PROMOTION. OFFICERS ANTICIPATING RESIGNATION OR RELEASE FROM ACTIVE DUTY UNDER REF F MAY ACCEPT PROMOTION WITHOUT INCURRING ANY ADDITIONAL ACTIVE DUTY OBLIGATION.

5. PROVIDED THE OFFICER IS QUALIFIED UNDER PARA 3, THE COMMANDING OFFICER SHALL PREPARE AND HAVE THE OFFICER VERIFY AND SIGN REF I ACCEPTING OR DECLINING THE PROMOTION. OFFICERS LISTED BELOW WHO ARE APPOINTED UNDER REFS A OR B ARE CONSIDERED TO HAVE ACCEPTED SUCH APPOINTMENT ON THE DATE INDICATED UNLESS EXPRESSLY DECLINED IN WRITING. MAIL ONLY THE ORIGINAL OF REF G WITHIN 30 DAYS TO NAVPERSCOM (PERS-8023).

6. PROPOSED LEGISLATION IN THE FISCAL YEAR 2002 NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) WOULD AUTHORIZE THE SECRETARY OF THE NAVY TO ADJUST THE DATE OF RANK OF THOSE OFFICERS BELOW WHO SHOULD HAVE BEEN PROMOTED ON 1 OCT 01. UPON ENACTMENT OF THE NDAA WITH THE PROPOSED LEGISLATION THE DOR OF THE OFFICERS BELOW WILL AUTOMATICALLY BE ADJUSTED TO 1 OCT 01

READ NAME, LAST FOUR DIGIT SSN/DESIG
PERMANENT PROMOTION TO LIEUTENANT COMMANDER
LINE

APPOINTED UNDER THE PROVISIONS OF REF A

SENATE CONFIRMED 16 OCT 2001

DOR/EFF DATE 16 OCTOBER 2001

UNRESTRICTED LINE OFFICER 11XX,12XX,13XX

[REDACTED]	5892/1100	[REDACTED]	5774/1310
[REDACTED]	7145/1315	[REDACTED]	4634/1100
[REDACTED]	5127/1100	[REDACTED]	9195/1320
[REDACTED]	8083/1310	[REDACTED]	6813/1310
[REDACTED]	8278/1310	[REDACTED]	1653/1100
[REDACTED]	6920/1100	[REDACTED]	2460/1115
[REDACTED]	M 3428/1100	[REDACTED]	2070/1100
[REDACTED]	3719/1320	[REDACTED]	9575/1320
[REDACTED]	4956/1100	[REDACTED]	4115/1110
[REDACTED]	9613/1100	[REDACTED]	7939/1310
[REDACTED]	1439/1100	[REDACTED]	2516/1100
[REDACTED]	J 3586/1130	[REDACTED]	3571/1100
[REDACTED]	L 9091/1100	[REDACTED]	9116/1100
[REDACTED]	M 7494/1100	[REDACTED]	306/1100
[REDACTED]	7878/1100	[REDACTED]	1378/1100
[REDACTED]	0814/1325	[REDACTED]	4285/1310
[REDACTED]	1852/1100	[REDACTED]	36/1110
[REDACTED]	5750/1310	[REDACTED]	7013/1100
[REDACTED]	3750/1100	[REDACTED]	5958/1100
[REDACTED]	5913/1110	[REDACTED]	9843/1310
[REDACTED]	S 1772/1100	[REDACTED]	740/1315
[REDACTED]	S 1846/1100	[REDACTED]	2064/1100
[REDACTED]	0819/1310	[REDACTED]	7840/1100
[REDACTED]	T 4425/1100	[REDACTED]	1794/1310
[REDACTED]	3635/1320	[REDACTED]	0241/1310
[REDACTED]	8972/1100	[REDACTED]	0700/1110
[REDACTED]	4887/1100	[REDACTED]	

ENGINEERING DUTY OFFICER 14XX

AEROSPACE ENGINEERING DUTY OFFICER 152X

MAINTENANCE

[REDACTED] 4691/1520

SPECIAL DUTY OFFICER CRYPTOLOGY 161X

[REDACTED] 9309/1615 [REDACTED] 1514/1610

SPECIAL DUTY OFFICER INTELLIGENCE 163X

4678 07

[REDACTED] 8443/1630 PEALER [REDACTED]
 [REDACTED] 5469/1630
 SPECIAL DUTY OFFICER PUBLIC AFFAIRS 165X
 [REDACTED] 2657/1650
 SPECIAL DUTY OFFICER OCEANOGRAPHY 180X
 [REDACTED] JR 3546/1800
 LIMITED DUTY OFFICER LINE 61XX, 62XX, 63XX, 64XX
 [REDACTED] 3074/6180 [REDACTED] 1382/6430
 [REDACTED] L 2790/6430 [REDACTED] 2817/6460
 [REDACTED] 1565/6400 [REDACTED] 9874/6410
 [REDACTED] 4128/6470 [REDACTED] 6046/6110
 [REDACTED] 7360/6330 SA [REDACTED] 2562/6440
 [REDACTED] 0574/6260

TEMPORARY PROMOTION TO LIEUTENANT COMMANDER
 LINE

APPOINTED UNDER THE PROVISIONS OF REF B
 DOR/EFF DATE 16 OCTOBER 2001

LIMITED DUTY OFFICER LINE 61XX, 62XX, 63XX, 64XX
 [REDACTED] 7393/6131

PERMANENT PROMOTION TO LIEUTENANT COMMANDER
 STAFF CORPS

APPOINTED UNDER THE PROVISIONS OF REF A
 SENATE CONFIRMED 27 JULY 2001
 DOR/EFF DATE 01 OCTOBER 2001

LIMITED DUTY OFFICER STAFF 65XX

[REDACTED]

7. CONGRATULATIONS.

8. RELEASED [REDACTED]

BT