



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

HD:hd
Docket No: 05888-02
4 November 2002

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

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

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

Encl: (1) DD Form 149 dtd 5 Jun 02 w/attachments
(2) PERS-80 memo dtd 9 Oct 02
(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 date of rank and effective date in the grade of lieutenant as 1 April 2002, vice 1 May 2002.

2. The Board, consisting of Messrs. Leeman and Zsalman and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 31 October 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 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.

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 as 1 April 2002, vice 1 May 2002; 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
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.

Robert D. Zsalmann
For W. DEAN PFEIFFER
Executive Director



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NAVY PERSONNEL COMMAND
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5420
PERS-80

09 OCT 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
[REDACTED] JAGC, US [REDACTED]

Encl: (1) BCNR File 05888-02

1. We are returning enclosure (1) with the following observations and recommendation that [REDACTED] request for adjustment of date of rank be approved.

2. [REDACTED] was selected for Lieutenant by the FY-02 Active Duty Lieutenant Judge Advocate General's Corps Selection Promotion Board with a date of rank of 1 May 2002. His date of rank to Lieutenant junior grade was 05 Mar 2000. Based on having two years in grade, he should have a date of rank for Lieutenant of 01 Apr 2002. Consequently, he should receive all back pay and allowances for the [REDACTED] date of rank.

[REDACTED]
Director, Active and Reserve
Officer Career Progression
Division