



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01767-99

10 August 1999

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

Subj: LT [REDACTED], CHC, US [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 10 Mar 99 w/attachments
(2) PERS-85 memo dtd 14 Jul 99
(3) Memos for the Record dtd 4 and 5 Aug 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 by changing his date of rank in the grade of lieutenant from 1 April 1993 to 1 April 1996. After he applied, he failed of selection before the Fiscal Year (FY) 2000 Chaplain Corps Lieutenant Commander Selection Board. The Board presumes he wants that failure of selection removed, as his stated purpose in requesting adjustment of his date of rank was to avoid sustaining a failure of selection.

2. The Board, consisting of Messrs. McCulloch and Molzahn and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 5 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), PERS-85, the Navy Personnel Command (NPC) office having cognizance over active duty promotions, has commented to the effect that Petitioner's request to adjust his date of rank for lieutenant from 1 April 1993 to 1 April 1996 should be approved, stating that he exercised due diligence in pursuing such an adjustment.

c. Enclosure (3) contains two memoranda for the record documenting information obtained from PERS-85 by a member of the Board's staff. The first confirms that Petitioner failed of selection by the FY 2000 Chaplain Corps Lieutenant Commander Selection Board. The second verifies that with a date of rank of 1 April 1996, he would not have been eligible to be considered by that promotion board.

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 by changing his lieutenant date of rank to 1 April 1996; and that his lineal precedence be adjusted accordingly.
- b. That Petitioner's record be corrected further so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.
- c. That the record of proceedings of the FY 2000 Chaplain Corps Lieutenant Commander Selection Board be corrected to show Petitioner was not considered at all.
- d. That any material or entries inconsistent with or relating to 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.
- e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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.



For W. DEAN PFEIFFER
Executive Director

1767-99



DEPARTMENT OF THE NAVY

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

5420
Ser 85/142
14 Jul 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: L [REDACTED], CHC, USN [REDACTED]

Ref: (a) BCNR fax of 13 Jul 99
(b) BUPERS ltr N1G2T of 23 Feb 99
(c) NPC ltr 5420 Ser 85/094 of 2 Jun 99

Encl: (1) BCNR File

1. Pursuant to the information provided in references (a) through (c), enclosure (1) is returned recommending approval of LT [REDACTED]'s request to adjust his date of rank for lieutenant from 1 April 1993 to 1 April 1996. [REDACTED] exercised due diligence.

[REDACTED]

Benjamin, Officer Promotions
and Enlisted Advancements Division

1767-99

4 August 1999

MEMO FOR THE RECORD

Re: Case of [REDACTED], CHC, USN, [REDACTED] no. [REDACTED]

[REDACTED] ERS-85 advises that [REDACTED] in the zone for the FY 00 CHC LCDR Sel Bd, and that he failed of selection.

[REDACTED]
Head, Performance Section

5 August 1999

MEMO FOR THE RECORD

Case of: [REDACTED] CHC, USN [REDACTED]

LT [REDACTED] that with a date of rank of 1 Apr 96 [REDACTED] could not have been eligible to be considered by the FY 00 CHC LCDR Sel Bd. She said the most junior eligible officer had a date of rank of 1 Aug 95, and that with a date of rank of 1 Apr 96, [REDACTED] probably be below the promotion zone for the FY 01 Sel Bd.

[REDACTED]

Head, Performance Section