



# Board for Correction of Naval Records (BCNR)

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## BCNR Overview

32<sup>nd</sup> Annual Judicial Conference  
United States Court of Federal Claims

27 October 2021

Ms. Elizabeth Hill, Executive Director  
Mr. Jeffrey Miller, Counsel to the Executive Director



# MISSION/INTRODUCTION

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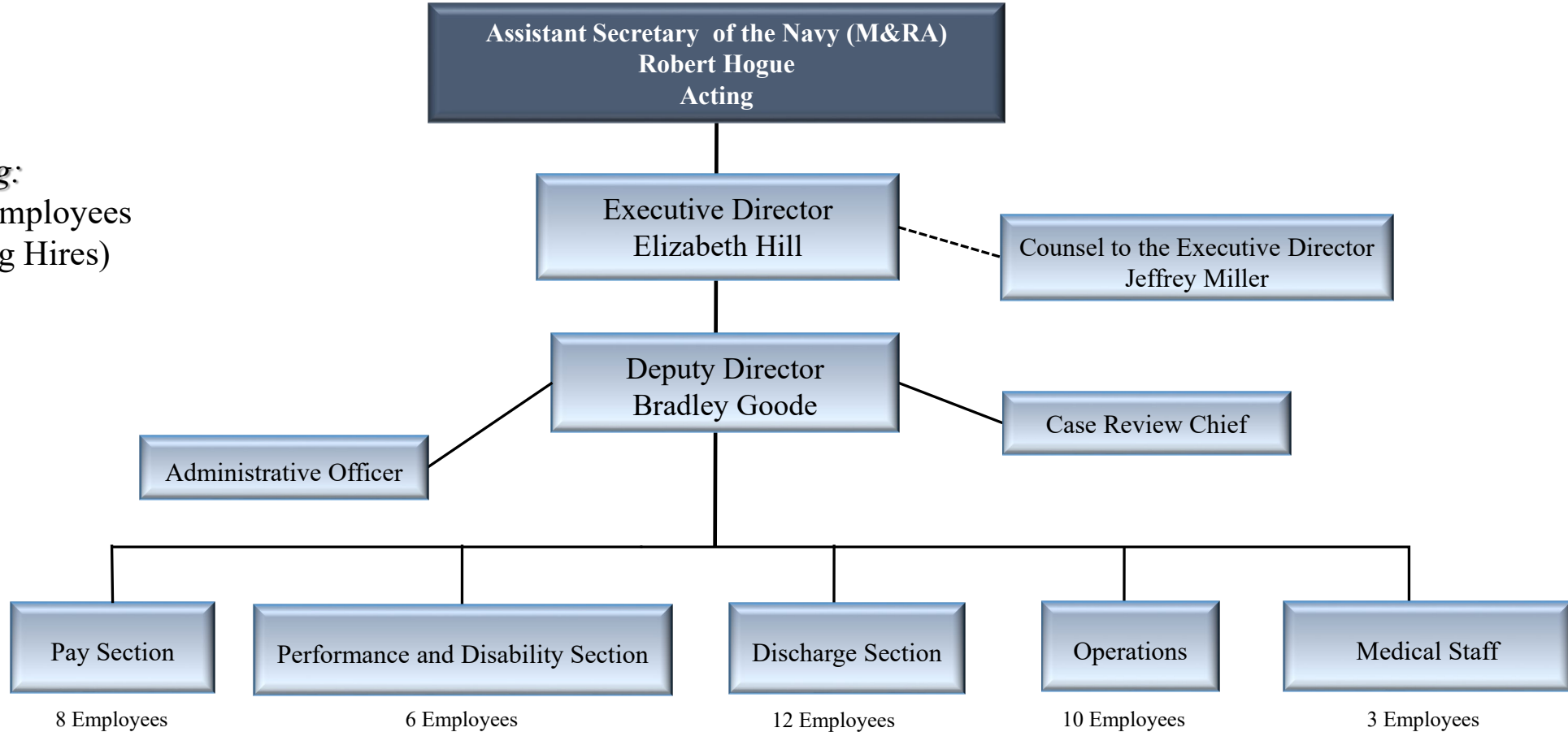
- BCNR is the Secretary of the Navy's highest Board for final adjudication/review under 10 U.S.C. § 1552 to correct errors or injustices in the naval (military) records of active-duty, reserve, retired, and former Marines and Sailors
  - Petitioners must exhaust all administrative remedies before seeking relief from the BCNR
  - As the highest level of administrative review in the Department of the Navy, BCNR decisions are “final agency actions” that may be challenged in Federal Court.
  - The BCNR acts under the authority and on behalf of the Secretary of the Navy.
  - The BCNR corrects naval records; it does not award pay. DFAS determines what pay and benefits may be due as a result of changes made to the records.
  - “Errors” = Generally objective; “Injustices” = Subjective
  - We want the same thing that you want – Justice for Sailors/Marines/Veterans; Our perspective, however, is different.
- Strict case review timelines to ensure petitioners receive timely decisions
  - 10 U.S.C. § 1557 – 90% of all cases must be finalized within 10 months, and all within 18 months
- Standard -- *Presumption of Regularity*
  - In absence of evidence to the contrary, presumption is that the Navy/Marine Corps action was correct
  - Burden to prove error or injustice is on the Petitioner
  - The BCNR is not an investigative body



# ORGANIZATION CHART

## *Current Staffing:*

➤ 47 Civilian Employees  
(2 Pending Hires)





# TYPICAL CORRECTIONS



## ➤ DISCHARGE-RELATED

- Characterization/Character of Service Upgrades
- Narrative Reason
- Separation Program Designator Codes
- Reentry/Reenlistment Code
- Name change ICO Transgender Veteran – Only
- Awards

## ➤ PAY\*

- Survivor Benefit Plan (SBP) Election
- Reenlistment/Enlistment Bonus
- Advancement in Grade
- Basic Allowance for Housing (BAH)
- Travel Pay/Entitlements
- Overseas Entitlements, etc..
- Term of Contract/Enlistment
- Military Bonuses/Special Duty Assignment Pay
- Restore Leave
- Education/Post-9/11 GI Bill

## ➤ PERFORMANCE & DISABILITY\*

- Promotion
- Special Selection Board
- Fitness/Evaluation Reports
- Date of Rank Adjustments
- Non-Judicial Punishment/Article 15 Action
- Courts-Martial Sentences on Basis of Clemency
- Combat-Related Special Compensation
- Temporary Disability Retired List Determinations
- Permanent Disability Retired List Determinations
- Disability Rating

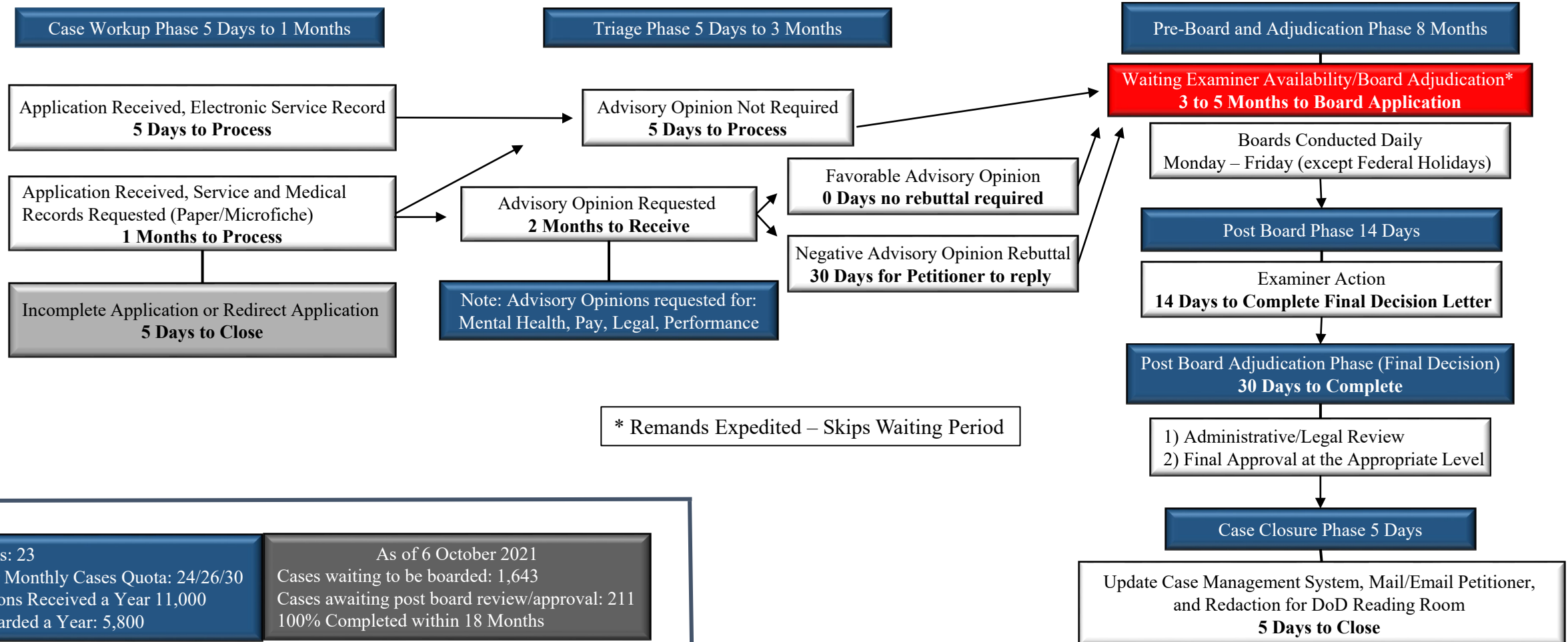
\* CoFC cases may come from either Pay Section or Performance & Disability Section.



# APPLICATION PROCESS

**\*This chart illustrates the average time to process an application at each phase**

Internal Process as of 6 October 2021





# BOARD COMPOSITION



## ➤ Board Members:

- Approximately 100 Department of the Navy civilian employees (primarily GS-15, SES)
- Appointed by Assistant Secretary of the Navy (Manpower and Reserve Affairs)
- Mix of legal and non-legal professionals
- This is an additional duty. Board members are not necessarily “experts” in subject matter.
- Meet in executive session, in panels of three members
- Expected to actively listen to briefing, ask questions, review all evidence and laws/regulations, be impartial and independent, explain reason for decision

## ➤ Case Examiners:

- Currently 23 full-time civilian employees of the BCNR (GS-12/13)
- Not necessarily legally trained (although some have legal background)
- Subject-matter experts on applicable laws and regulations in respective areas
- Prepares cases for presentation – summarizes facts from record, briefs Petitioner’s contentions, identifies applicable laws and regulations for Board’s consideration
- Briefs case to Board Members in executive session; available to answer questions regarding facts from the record or direct Members to appropriate standards
- Prepares decision document to record Board’s decision and rationale
- Must meet quota of between 24-30 cases/month (depending on experience and complexity of cases)





# JURISDICTIONAL LIMITS

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- Per 10 U.S.C. § 1552, the BCNR must act:
  - Within terms of SECNAV delegation (SECNAVINST 5420.193/32 C.F.R. 723)
  - On an application (DD Form 149)
  - From a proper applicant
  - To correct **error** or remove **injustice** in “military record”
  - Not within subject-matter exclusion (e.g., court-martial conviction)
- Cannot correct a record in a way that would be contrary to law or harm the member
- Cannot correct a record that is beyond the authority of the Department of the Navy, e.g., DOD IG Reports of Investigation



# LEADERSHIP CONTACTS

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- Executive Director
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BCNR Website:

<https://www.secnav.navy.mil/mra/bcnr/Pages/default.aspx>