



Board for Correction of Naval Records (BCNR)



BCNR Overview

32nd 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

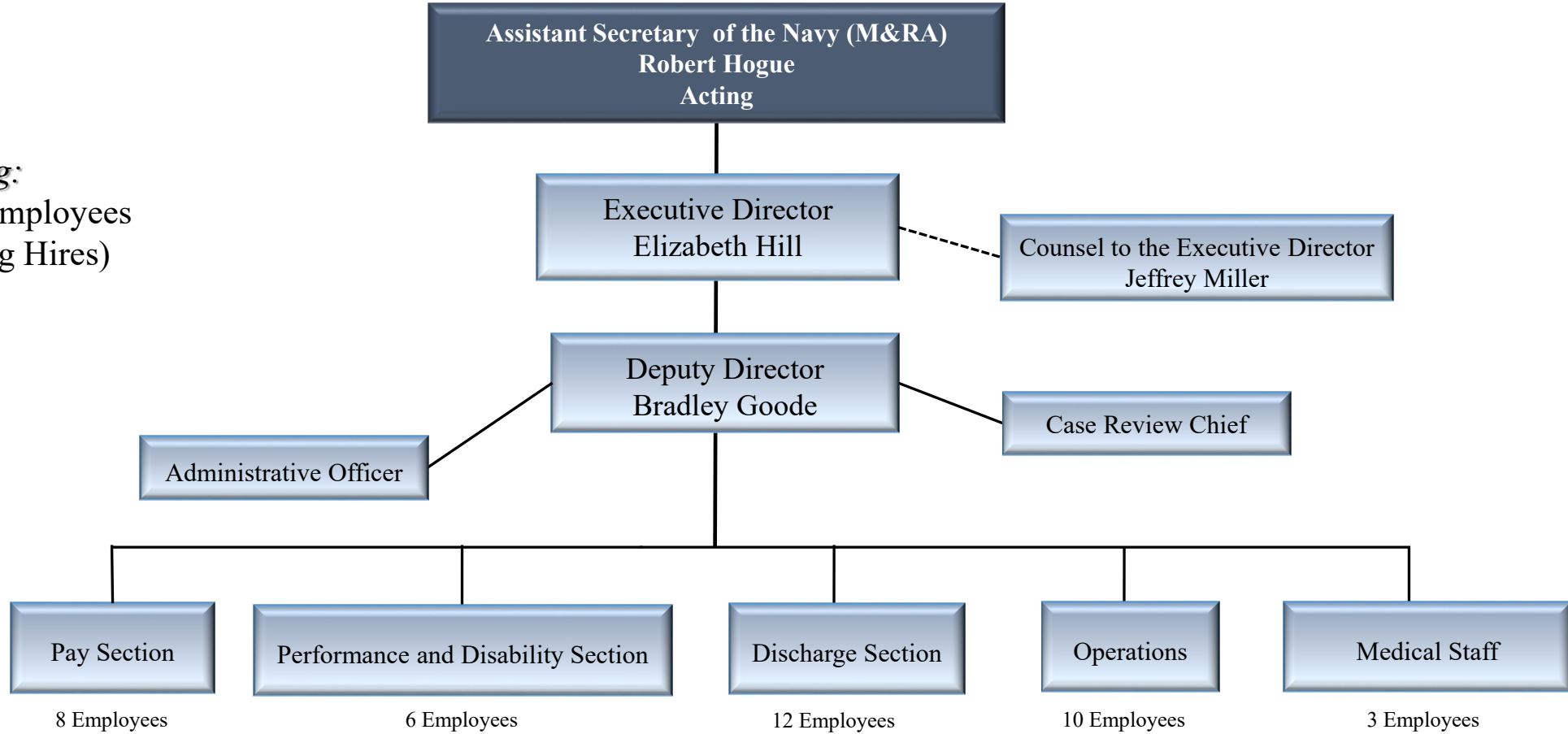


- BCNR is the Secretary of the Navy’s highest Board for final adjudication/review under 10 U.S.C. § 1552 to correct errors or injustices in the naval (military) records of active-duty, reserve, retired, and former Marines and Sailors
 - Petitioners must exhaust all administrative remedies before seeking 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

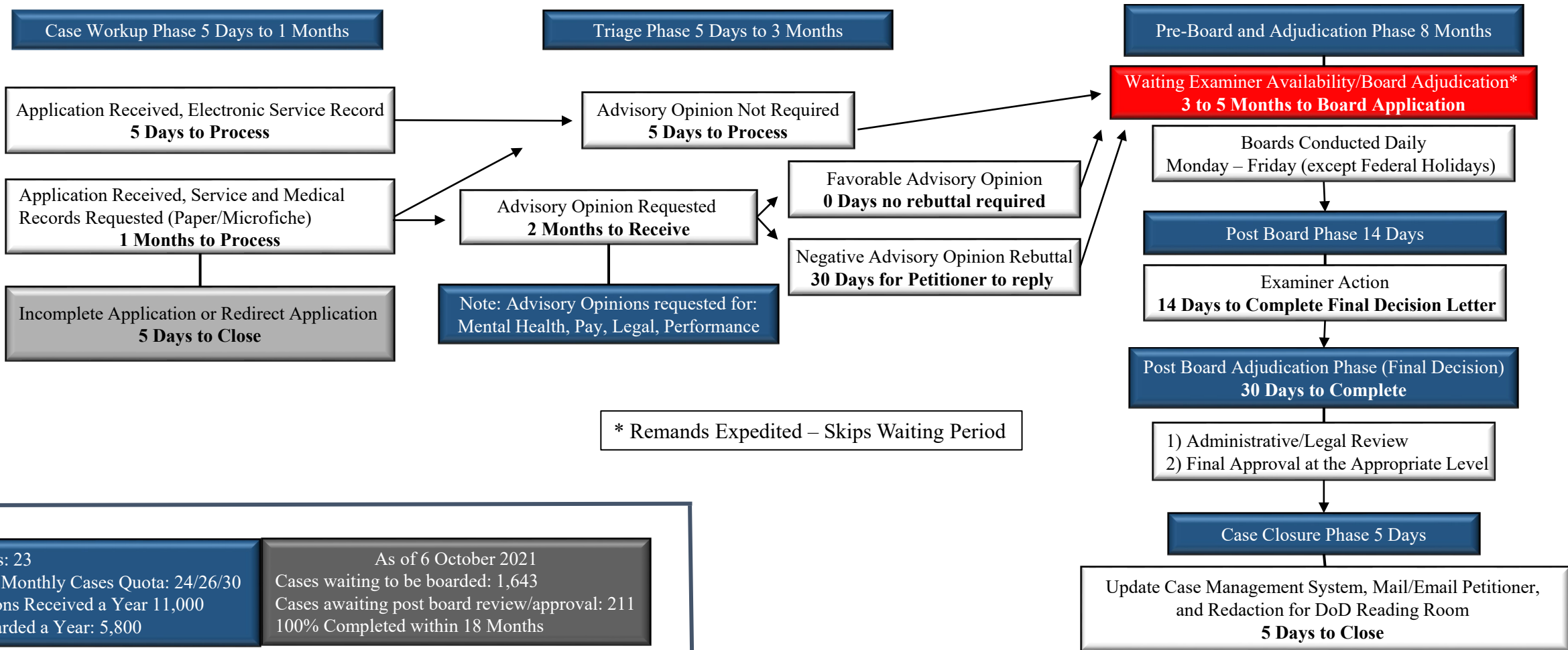
* CoFC cases may come from either Pay Section or Performance & Disability Section.



APPLICATION PROCESS

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

Internal Process as of 6 October 2021



* Remands Expedited – Skips Waiting Period

Examiners: 23 Examiner Monthly Cases Quota: 24/26/30 Applications Received a Year 11,000 Cases Boarded a Year: 5,800	As of 6 October 2021 Cases waiting to be boarded: 1,643 Cases awaiting post board review/approval: 211 100% Completed within 18 Months
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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



- 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

- Executive Director
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- Deputy Director
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BCNR Website:

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