



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

NAVPERSCOMINST 5420.1  
PERS-3LC2  
15 OCT 2004

NAVPERSCOM INSTRUCTION 5420.1

From: Commander, Navy Personnel Command

Subj: ADMINISTRATION OF BOARD FOR CORRECTION OF NAVAL RECORDS  
(BCNR) APPLICATIONS WITHIN NAVY PERSONNEL COMMAND  
(NAVPERSCOM)

Ref: (a) 10 U.S.C., Section 1552  
(b) SECNAVINST 5420.193  
(c) SECNAVINST 5216.5D

Encl: (1) Procedures for Preparation of Advisory Opinions  
(2) Sample of "MEMORANDUM FOR" Format

1. Purpose. To establish policy and procedures for the administration and processing of Board for Correction of Naval Records (BCNR) applications within Navy Personnel Command (NAVPERSCOM) and outline the support responsibility of NAVPERSCOM to assist the BCNR in the performance of its function.

2. Background. Reference (a) is the statutory basis for correction of military records and authorizes Service Secretaries, acting through civilian boards, to correct errors and remove injustices from the military record. The function of the BCNR, per reference (b) is to determine the existence of errors or injustices in the military record and to either take corrective action on the Secretary's behalf, when authorized, or to make appropriate recommendations for correction to Assistant Secretary of the Navy, Manpower and Reserve Affairs (ASN (M&RA)). Per the BCNR's request, NAVPERSCOM provides advisory opinions to BCNR and effects BCNR directed corrections. While not binding, advisory opinions provide valuable expertise and technical assistance, which the BCNR considers in determining whether to grant or deny the requested relief.

3. Applicability. This instruction applies to

a. all Assistant Commanders, Navy Personnel Command (ACNPCs), Staff Office Director (SOD), and Special Assistants (SAs) under command of Commander, Navy Personnel Command (COMNAVPERSCOM).

b. active duty, inactive duty, reserve personnel, retirees, and former members of the Navy, their heirs, and legal representatives as defined by NAVSO P-473 (codified as 32 CFR 723).

4. Responsibility of NAVPERSCOM's Coordinator for BCNR Matters (PERS-3LC2). Under this instruction, the BCNR Coordinator manages the administration of all BCNR applications assigned to NAVPERSCOM by the BCNR for advisory opinions or corrective actions.

5. Procedures. Guidelines and procedures established for the administration of BCNR applications are outlined in enclosure (1). Because of the complex and sensitive nature of BCNR applications, these procedures must be strictly adhered to.

6. Action. NAVPERSCOM ACNPCs, SOD, and SAs must ensure that all Action Officers under their cognizance are briefed on the contents of this instruction.



MURRAY W. ROWE  
Deputy Commander,  
Navy Personnel Command (PERS-00B)

Distribution:  
NAVPERSCOMINST 5218.1B  
Lists 1A, 1B, and 2A

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**PROCEDURES FOR PREPARATION OF ADVISORY OPINIONS**

1. Review and Assignment of BCNR Applications. NAVPERSCOM's BCNR Liaison (PERS-3LC2) shall review each BCNR request for a NAVPERSCOM advisory opinion. The purpose of this review is to determine the existence of the following conditions:

a. The error or injustice is a matter of record; has not been administratively altered prior to receipt of the application, and cannot be corrected administratively.

b. That no disciplinary or judicial actions are pending under the Uniform Code of Military Justice.

2. Writing Advisory Opinions. Advisory opinions represent NAVPERSCOM's official position on a petition and any underlying policy issues which may effect BCNR's decisions or recommendations. Advisory opinions and recommendations shall comport with law, policy, and the evidence in the petitioner's record and application for relief. Advisory opinions become part of the BCNR Record of Proceedings presented to ASN (M&RA) for final action.

a. The action officer should explicitly reference all policies, regulations, and other guidance relevant to the issues addressed in the written document, bearing in mind the Chief of Naval Personnel will be committed to the judgement stated in the advisory opinion rendered.

b. The written advisory should be prepared in the format prescribed in reference (c) and enclosure (2) of this instruction.

c. Review and research of the allegations, arguments, defenses, and supporting evidence should be unbiased. The claim should be assessed per Navy Regulations, policy, and other governing laws and procedures. The facts, issues, and circumstances relevant to a fair and equitable resolution should be summarized, and a course of action recommended to the BCNR.

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d. Incomplete Cases. If the application and its accompanying evidence is too limited for substantive analysis, or is insufficient to demonstrate the existence of a probable material error or injustice, the Action Officer may prepare a brief summary explaining the need for additional evidence in order to prepare an advisory opinion.

e. Administrative Corrections. Errors that may be resolved administratively will be corrected under the scope of authority of COMNAVPERSCOM. Where governing regulations permit, and further BCNR intervention is not required, the advising office may initiate the administrative correction and return the case file along with an advisory document to the BCNR Coordinator. Issues considered outside of the scope of authority of COMNAVPERSCOM will be returned to the BCNR via the BCNR Coordinator with a statement "for information purposes only." In cases where administrative correction is required prior to return to the BCNR, the BCNR Coordinator will initiate a request for the correction from NAVPERSCOM, Records Management Unit (PERS-312E), who will implement the administrative correction accordingly.

f. Improper Counseling. Many petitions, particularly those involving compensation (e.g., travel claims, bonus eligibility, education benefits, Survivor Benefit Program, and Special Duty Assignment Pay) allege improper counseling. When answering such a request, the advisory opinion should indicate whether there is evidence of improper counseling and, if yes, what would have happened had the petitioner received correct and timely advice.

g. Statute of Limitations. The fact that the petition is filed more than 3 years after an error or injustice has been discovered does not preclude the BCNR or the Navy from changing the records if in fact an error or injustice is found to exist. The determination of whether a petition is barred by the statute of limitations is a matter for the BCNR's discretion. An office providing an advisory opinion may note that the limitation period has expired but must still provide an opinion on the issues presented.

h. Conflicting Advisory Opinions. Advisory opinions that conflict or are inconsistent with law, policy, and the evidence/lack of continuity are inappropriate for a BCNR review

and Secretary of the Navy (SECNAV) decision. The BCNR Coordinator and NAVPERSCOM, Office of Legal Counsel (PERS-00J) will resolve such conflicts and inconsistencies with the offices that offered the opinions.

3. Timeliness. Advisory opinions to BCNR applications are required no later than 30 days from the date of the Coordinator's request.

a. Urgent responses may be dictated by the needs of the application; giving priority to pre-scheduled events that may not be altered for BCNR purposes, for example, administrative boards, statutory boards, involuntary separations and Projected Rotation Dates.

b. Petitions that involve issues that are in litigation, pending Federal/civil court decisions, or constitute a change to established regulations and policies are time-sensitive, and require expeditious and special handling. Response dates will be assigned on a case-by-case basis.

c. Lack of essential information from which to formulate advisory opinions may prohibit timely and comprehensive reviews thus creating unnecessary delays. If the information necessary for input is unavailable, return the case to the BCNR Coordinator immediately, with a brief explanation of the circumstances.

4. Tracking BCNR Cases. The BCNR Coordinator ensures that BCNR cases received by NAVPERSCOM for advisory opinions are entered into the BCNR Tracking System and monitored until the case is completed and returned to the BCNR.

a. BCNR applications are received with docket numbers assigned. The docket number indicates the number of the case and the year of receipt. Processing petitions within NAVPERSCOM requires the following steps:

(1) Incoming Cases. The BCNR Coordinator will

(a) enter cases into tracking system.

(b) assign case to cognizant office for advisory opinions.

(c) prepare memorandum identifying the due date (30-day response period unless otherwise specified).

(2) Completed Cases

(a) Review advisory opinion for consistency and continuity.

(b) Determine the need for additional input.

(c) Ensure the NAVPERSCOM input addresses all issues.

(3) Delayed/Overdue Cases. Overdue cases are any cases held by the cognizant official beyond the period authorized for a response, or without an extension having been requested or authorized from the BCNR Coordinator.

(4) Applications that require input from offices physically outside of NAVPERSCOM, for example, field commands, other branches of the armed services, or civilian organizations, are returned to BCNR for further action.

5. Accountability and Responsibility. All BCNR applications assigned by the BCNR Coordinator throughout NAVPERSCOM for advisory opinions must be returned, upon completion of input, to the BCNR Coordinator. BCNR cases should not be returned directly to the BCNR.

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**SAMPLE "MEMORANDUM FOR" FORMAT**

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)

Via: NAVPERSCOM, BCNR COORDINATOR (PERS-3LC2)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF  
CAPTAIN I. M. HIPPI, SR., USN, 123-34-4567/0000

Ref: (a) Explicitly reference all policies, regulations, and other guidance relevant to the issues addressed in this memorandum

Encl: (1) BCNR File #  
(2) Petitioner's Service Record

1. This document is designed to assist the NAVPERSCOM official who must render an advisory opinion to the BCNR. The "MEMORANDUM FOR" format is preferred when writing to senior officials; in this instance, the Executive Director, Board for Correction of Naval Records and ASN (M&RA). The "LETTERHEAD MEMORANDUM" format may also be used.

2. The following steps may assist in formulating responses to the BCNR:

a. Review the petitioner's allegations of error or injustice and the contents of the BCNR application thoroughly.

b. Research the material evidence presented, for example, testimonies, declarations, and other corroborating evidence, from the standpoint that the petitioner is correct until proven otherwise.

c. Analyze the claim to determine if it complies with appropriate Navy regulations, policies, and procedures.

d. Summarize all relevant facts, issues, and circumstances of the case, and present your advisory opinion in the manner prescribed.

Enclosure (2)

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e. Comply to the maximum extent possible with suspense dates. Extensions may be requested from the BCNR Coordinator if necessary, to accommodate unexpected delays.

3. Advisory opinions which may set a precedent, legal or otherwise, or which may constitute a change to established regulations or policy, will be cleared through NAVPERSCOM (PERS-00J), prior to returning to BCNR.

H. K. TOPPING  
By direction