

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

[REDACTED]
Docket No. 00601-07
10 May 2007

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

REVIEW OF NAVAL RECORD

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

End: (1) DD Form 149 dtd 10 Jan 07 w/attachments
(2) PERS-311 memo dtd 25 Apr 07
(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 by removing the enlisted performance evaluation report for 16 November to 8 December 2004, a copy of which is at Tab A.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 May 2007, 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 (NPC) office with cognizance over the subject matter of Petitioner's case has commented to the effect her 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 by removing there from the following enlisted performance evaluation report:

Date of Report	Reporting Senior	Period of Report	
		From	To
31Jan05	USNR		16Nov04 8Dec04

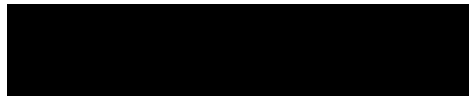
b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the report.

c. That appropriate corrections be made to the magnetic tape or microfilm maintained by NPC.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, remove dor 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 apart of Petitioner's naval record.

4. 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.



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.

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

1610
PERS-311
25 April 2007

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-3 1 C)

Ref: (a) BU7PERSINST 1610.1 OA (EVALMAN)

End: (1) BCNR File 00601-07 w/Service record

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation report for the period 16 November 2004 to 8 December 2004.

2. Based on our review of the material provided, we find the following:

a. The report in question is an adverse Special/Regular report ending 8 December 2004. The member requests the report be removed from his record due to the subsequent mitigation of NJP by [REDACTED] on 1 April 2005. The NJP was not set aside but the reduction in rate was mitigated on 1 April 2005, which was the justification given for submission of the "Special" report in question.

b. In view of the comments in enclosure (1), we recommend the performance evaluation for the period 16 November 2004 to 8 December 2004 be removed from the member's record.

c. The member does prove the report to be in error.

3. We recommend the member's record remain unchanged dept as indicated above.

