



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

HD:hd
Docket No. 06602-08
25 August 2008

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 12 Jun 08 w/attachments
(2) PERS-311 memo dtd 5 Aug 08

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 June to 20 September 2007, a copy of which is at Tab A.
2. The Board, consisting of Ms. Wilcher and Messrs. Cooper and Sproul, reviewed Petitioner's allegations of error and injustice on 21 August 2008, 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 Petitioner's previous case, docket number 01525-08, her enlisted performance evaluation report for 1 September 2006 to 15 June 2007, from the same reporting senior at the same station where she received the currently contested report, was removed and replaced by a memorandum.

c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that 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 error warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following enlisted performance evaluation report and related material:

Date of Report	Reporting Senior	Period of Report	
		From	To
20Sep07		16Jun07	20Sep07

b. That the memorandum previously filed in place of the removed enlisted performance evaluation report for 1 September 2006 to 15 June 2007 be removed and replaced by a revised memorandum containing appropriate identifying data; that such memorandum state that the portion of Petitioner's performance record for 1 September 2006 to 20 September 2007 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 removed material.

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, 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

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. The 24 month NAVPERS 1070/621 extension agreement, operative on or about 12 November 2007, is null and void.

b. The Petitioner was discharged and reenlisted on 10/11 November 2007, vice on or about 8/9 November 2007. The term is 4 years.

c. This change will entitle the member to a zone "A" SRB with an award level of 5.0 for the IS/3924 rate/NEC.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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


WILLIAM J. HESS, III
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.

3 September 2008


W. DEAN PFEIFFER
Executive Director