



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

HD:hd  
Docket No. 08777-08  
3 September 2009

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 10 Sep 08 w/attachments  
(2) OPNAV N135 ltr dtd 23 Jan 09  
(3) PERS-311 memo dtd 29 Jan 09  
(4) Subject's ltr dtd 20 Feb 09 w/enclosures  
(5) OPNAV N135 ltr dtd 13 May 09 w/enclosure  
(6) PERS-32 memo dtd 8 Jun 09  
(7) Subject's ltr dtd 23 Jul 09 w/enclosures  
(8) PERS-80 memo dtd 25 Jun 09  
(9) PERS-80 memo dtd memo dtd 14 Aug 09  
(10) 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 modifying the Physical Readiness Information Management System (PRIMS) data for the Fall 2007 physical readiness test (PRT) to show he passed, rather than failed. As indicated below, the Office of the Chief of Naval Operations (OPNAV N135) has corrected the PRIMS data as Petitioner requested. He further requested that the fitness report for 1 May to 18 November 2007 (copy at Tab A) be modified accordingly. Finally, he requested consideration by a special selection board (SSB) for promotion to captain. As indicated below, his SSB request will be processed by the Navy Personnel Command (NPC) when action on his case before this Board has been completed.

2. The Board, consisting of Messrs. Pfeiffer, Rothlein and Sproul, reviewed Petitioner's allegations of error and injustice on 3 September 2009, 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. Except as indicated in paragraph 1 above, before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In enclosures (2) and (3), OPNAV N135 and the NPC office with cognizance over fitness reports, respectively, commented to the effect Petitioner's requests should be denied.

c. Enclosure (4) is Petitioner's reply to enclosure (3), noting that the PRIMS data had been corrected as he requested.

d. In enclosure (5), OPNAV N135 confirmed that the PRIMS data had been corrected as Petitioner requested.

e. In enclosure (6), the NPC office with cognizance over fitness reports noted that Petitioner's reporting senior had declined to submit a supplemental report, notwithstanding the PRIMS correction. However, in light of this correction, that office recommended modifying the report by changing the PRT code in block 20 ("Physical Readiness") from "F" (failed) to "P" (passed) and removing, from block 41 ("Comments on Performance"), the comment "-Failed Fall 2007 PFA [physical fitness assessment]."

f. Enclosure (7) is Petitioner's reply to enclosure (6), expressing disappointment that the reporting senior had chosen not to submit a supplemental report.

g. Petitioner submitted a statement to the fitness report in question, in which he addressed the PFA failure reflected in that report. His statement and the reporting senior's endorsement are in his record with the report.

h. In enclosure (8), the NPC office with cognizance over officer promotions commented to the effect his SSB request should be disapproved. In enclosure (9), that office noted the fitness report corrections recommended in enclosure (6) and stated his SSB request would be processed when action on his case before this Board has been completed.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (6) and its finding at paragraph 3.g above, the Board finds an injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying as follows the fitness report for 1 May to 18 November 2007, dated 9 December 2007 and signed by [REDACTED] USNR:

- (1) Block 20: Change PRT code from "F" to "P."
- (2) Block 41: Remove "-Failed Fall 2007 PFA."
- (3) Remove Petitioner's statement dated 25 December 2007 and reporting senior's endorsement dated 7 January 2008.

b. 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.

c. 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 a part 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.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
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.

  
W. DEAN PFEIFFER  
Executive Director