



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

HD:hd
Docket No. 11416-08
9 October 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 12 Nov 08 w/attachments
(2) OPNAV N135 memo dtd 4 Mar 09 w/enclosure
(3) PERS-32 memo dtd 7 Apr 09
(4) PERS-811 memo dtd 28 Apr 09
(5) 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 revising the enlisted performance evaluation report for 21 August 2007 to 15 March 2008 (copy at Tab A). He further requested that this report not be included in his performance mark average (PMA) for all future examination cycles.

2. The Board, consisting of Messrs. Dunn, Grover and Sproul, reviewed Petitioner's allegations of error and injustice on 8 October 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. 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), OPNAV N135, the Chief of Naval Operations office with cognizance over physical readiness, commented to the effect the Physical Readiness Information Management System data had been corrected to show Petitioner did not fail the Fall 2007 physical readiness test (PRT).

c. In enclosure (3), PERS-32, the Navy Personnel Command (NPC) office with cognizance over performance evaluations, commented to the effect the performance evaluation report in question should be amended by changing the entry in block 20 ("Physical Readiness") from "F [failed PRT]/MW [medically waived from body composition assessment]" to "N [did not participate in PRT]/XX [impossible to weigh or measure]," and filing in Petitioner's record a NAVPERS 1616/23 for the report at issue stating he was in a group of nine members. PERS-32 found insufficient basis for any relief concerning the adverse narrative of the report, the recommendation against advancement, or the recommendation against retention.

d. In enclosure (4), PERS-811, the NPC office with cognizance over enlisted advancements, commented to the effect that the revisions proposed by PERS-32 would not support excluding the report at issue from Petitioner's future PMA computations.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (3) and (4), the Board finds an error and injustice warranting the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's enlisted performance evaluation report for 21 August 2007 to 15 March 2008, signed by [REDACTED] USN and dated 14 March 2008, be modified as follows:

(1) Block 20: Change from "F/MW" to "N/XX."

(2) File NAVPERS 1616/23 to the effect Petitioner was in a group of nine members.

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.

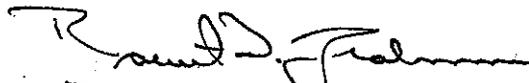
d. That the remainder of Petitioner's request be denied.

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