



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

HD:hd  
Docket No. 00375-09  
6 March 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 14 Jan 09 w/attachment  
(2) PERS-311 memo dtd 10 Feb 09 w/attachments

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 reports for 16 October to 13 November 2006 and 14 November 2006 to 15 March 2007. The Navy Personnel Command (NPC) has removed the report for 16 October to 13 November 2006, replaced it with a memorandum (NAVPERS 1616/23), and filed a performance evaluation report in Petitioner's current grade of NC1 for 16 October 2006 to 2 December 2007. Copies of the NAVPERS 1616/23 and the contested report for 14 November 2006 to 15 March 2007 are at Tabs A and B, respectively.

2. The Board, consisting of Ms. Guill and Messrs. Grover and McBride, reviewed Petitioner's allegations of error and injustice on 5 March 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), the NPC office with cognizance over the subject matter of Petitioner's case has commented to the effect his request has merit and warrants favorable action, specifically recommending removal of the NAVPERS 1616/23 and the report for 14 November 2006 to 15 March 2007.

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 and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the NAVPERS 1616/23 relating to the removed enlisted performance evaluation report for 16 October to 13 November 2006.

b. That his record be corrected further by removing the following enlisted performance evaluation report:

Date of Report	Reporting Senior	Period of Report	
		From	To
20Mar07		14Nov06	15Mar07

b. That NO memorandum be filed in place of the report to be removed.

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.

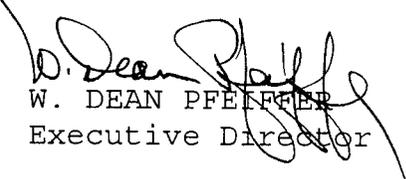
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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