



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

HD:hd
Docket No. 03475-10
7 July 2010

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 22 Mar 10 w/attachments
(2) PERS-32 memo dtd 13 May 10

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 "not observed" enlisted performance evaluation report for 19 January to 15 March 2006, a copy of which is at Tab A.

2. The Board, consisting of Messrs. Grover, Ivins and McBride, reviewed Petitioner's allegations of error and injustice on 1 July 2010, 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 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. Petitioner objects that block 20 ("Physical Readiness") of the contested report erroneously reflects "F [failed physical readiness test]/WS [within weight/body fat standards]" when it should show "N [not tested]/XX [impossible to weigh or measure]."

c. In enclosure (2), the Navy Personnel Command office having cognizance over the subject matter of this case commented to the effect the request has merit and warrants partial relief, specifically, changing the entry in block 20 of the report at issue to "N/XX."

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 limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying as follows the enlisted performance evaluation report for 19 January to 15 March 2006, dated 15 March 2006 and signed by Lieutenant Commander [REDACTED]

Block 20: Change from "F/WS" to "N/XX."

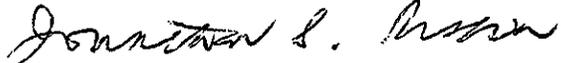
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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