



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

HD:hd  
Docket No. 03070-12  
4 September 2012

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 28 Dec 11 w/attachments  
(2) PERS-32 memo dtd 2 Mar 12  
(3) OPNAV N135 ltr dtd 26 Apr 12

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 enlisted performance evaluation report for 16 September 2007 to 11 April 2008 by changing the entry in block 20 ("Physical Readiness") from "P [passed physical readiness test]/NS [not within weight/body fat standards]" to "P/WS [within weight/body fat standards]."

2. The Board, consisting of Ms. White-Olson and Messrs. Gattis and Silberman, reviewed Petitioner's allegations of error and injustice on 30 August 2012, 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. In enclosure (2), PERS-32, the Navy Personnel Command office with cognizance over Navy performance evaluations, has commented to the effect that "this error can be corrected administratively with

the Supplemental Change Letter." There is no indication that the reporting senior has submitted any supplemental change letter.

c. In enclosure (3), OPNAV N-135, the Chief of Naval Operations office with cognizance over physical readiness, has commented to the effect that Petitioner passed the Body Composition Assessment for Cycle 1 2008.

d. The performance evaluation report in question shows Petitioner was marked "5.0" (highest possible) in block 35 ("Military Bearing/Character"), and block 41 ("Comments on Performance") says nothing to indicate he was not within weight/body fat standards.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3) and the Board's findings at paragraph 3.d above, the Board finds an error and injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying as follows the enlisted performance evaluation report for 16 September 2007 to 11 April 2008, dated 8 April 2008 and signed by [REDACTED] [REDACTED] USMC:

Block 20: Change from "P/NS" to "P/WS."

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. Pursuant to Section (c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

  
For W. DEAN PFEIFFER  
Executive Director