



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

HD:hd
Docket No. 06156-12
20 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 5 Jun 12 w/attachments
(2) PERS-32 memo dtd 29 Jun 12
(3) PERS-811 memo dtd 2 Jul 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 removing the "special" enlisted performance evaluation report for 14 May to 31 August 2011 submitted by NAVMEDTRACEN Fort Sam Houston (copy at Tab A) and filing in its place the "special" report for the same period submitted by NAVHOSP BREMERTON (copy in enclosure (1)). He further requested that the proposed replacement report be used to establish his performance mark average (PMA) and advance him to HM3 (pay grade E-4).

2. The Board, consisting of Ms. Countryman and Messrs. Dikeman and Tew, reviewed Petitioner's allegations of error and injustice on 20 September 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 (NPC) office with cognizance over performance evaluations, has commented

to the effect that the proposed replacement report is invalid, and that the contested report should stand, but that it should be modified to show an ending date of 23 August 2011, and the reporting senior should be directed to submit a supplemental change to the size of the summary group in block 46 ("Promotion Recommendation - Summary").

c. In enclosure (3), PERS-811, the NPC office with cognizance over enlisted advancements, has commented to the effect that Petitioner's request for advancement should be denied, but that his PMA for cycles 212 and 215 should be corrected to reflect a PMA of "3.6."

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds an error and injustice warranting the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying as follows the "special" enlisted performance evaluation report for 14 May to 31 August 2011, dated 6 September 2011 and signed by [REDACTED] NC USN:

Block 15: Change from "11AUG31" to 11AUG23."

b. That the reporting senior named above be directed to submit a supplemental change to the size of the summary group in block 46 of the report identified above.

c. That the Naval Education and Training, Professional Development and Technology Center be directed to correct Petitioner's profile sheets for cycles 212 and 215 to show a PMA of "3.6."

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

e. 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.

f. 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 6(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