



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

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HD

Docket No: NR642-13

7 June 2013

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 Dec 12 w/attachments
(2) PERS-32 memo dtd 15 Feb 13
(3) PERS-811 memo dtd 15 Feb 13 w/attachment

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 original enlisted performance evaluation report for 16 March to 17 December 2010 signed by LT M. M. M---, USN and the associated memorandum (copies at Tab A), leaving in his record the corrected enlisted performance evaluation report for the same period signed by Lieutenant Commander M. D. L---, USN (copy at Tab B). He also requested that his corrected performance evaluation record be used in determining his eligibility for advancement to pay grade E-6.

2. The Board, consisting of Messrs. Dikeman, Gorenflo and McBride, reviewed Petitioner's allegations of error and injustice on 6 June 2013, 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. Enclosure (1) was filed in a timely manner.

c. The contested report marks Petitioner "Must Promote" (second best of five possible marks) in block 45 ("Promotion Recommendation - Individual") and marks him below one peer in block 46 ("Promotion Recommendation - Summary"). The corrected report marks Petitioner "Early Promote" (best) in block 45 and marks him alone in block 46.

d. In enclosure (2), PERS-32, the Navy Personnel Command (NPC) office with cognizance over enlisted performance evaluations, has commented to the effect that the memorandum on file with the contested report shows this report was invalid, as a lieutenant was not authorized to act as reporting senior, but that the record should not be corrected as Petitioner requests, as NAVADMIN 022/10 authorizes accepting reports "as is" with a memorandum explaining the problem with the report.

e. In enclosure (3), PERS-811, the NPC office with cognizance over enlisted advancements, reports that Petitioner is a selectee for advancement to pay grade E-6.

CONCLUSION:

Upon review and consideration of all the evidence of record, and notwithstanding enclosure (2), the Board finds an error warranting removal of the contested original report. In this connection, the Board particularly notes that this report marks Petitioner less favorably than the corrected report, so that leaving it in the record could prejudice his future career progression. Accordingly, the Board recommends the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the following original enlisted performance evaluation report and associated memorandum, leaving in the record the corrected report for the same period:

Date of Report	Reporting Senior	Period of Report	
		From	To
20 Oct 10		16 Mar 10	17 Dec 10

b. That appropriate corrections be made to the magnetic tape or microfilm maintained by NPC.

c. 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.

d. 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

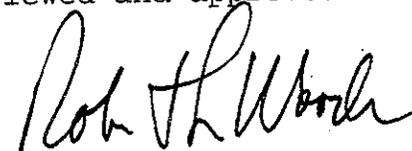

JONATHAN S. RUSKIN
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

Reviewed and approved:

7/10/13



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