



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1901
ARLINGTON, VA 22204-2490

gm

HD
Docket No. NR7444-13
21 August 2014

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]
REVIEW OF NAVAL RECORD (RECONSIDERATION)

Ref: (a) 10 U.S.C. 1552

- Encl: (1) Subject's fax dtd 11 Mar 14 w/attachments
(2) HD Docket No: NR946-13 ltr dtd 25 Jul 13
less enclosures
(3) OPNAV N170 ltr dtd 27 May 14
(4) PERS-32 memos dtd 3 Apr and 29 Jul 14
(5) PERS-81 memo dtd 14 Apr 14
(6) PERS-803 memo dtd 6 Aug 14

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 or modifying his enlisted performance evaluation report for 16 November 2011 to 15 November 2012 (copy at Tab A) by changing the entry in block 20 ("Physical Readiness") from "PF" (passed first Physical Fitness Assessment (PFA) conducted during the reporting period, failed second) to "PP" (passed both PFA's). He further requested consideration by a special selection board (SSB) for advancement to chief petty officer (CPO) (pay grade E-7). As shown in enclosure (2), these requests were denied on 25 July 2013.

2. The Board, consisting of Messrs. Hicks, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 21 August 2014, 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 (3) shows that Petitioner's data in the Physical Readiness Information Management System (PRIMS) has been corrected to show he passed the 15 June 2012 PFA.

c. In correspondence at enclosure (4), PERS-32, the Navy Personnel Command office with cognizance over performance evaluations, has commented to the effect that Petitioner's request to modify the evaluation in question has merit and warrants favorable action.

d. In enclosure (5), PERS-81 stated that "an advisory to the petitioner's request cannot be completed."

e. In enclosure (6), PERS-803, the NPC office with cognizance over enlisted advancements, has commented to the effect that if this Board recommends Petitioner's consideration by an SSB for the Fiscal Year 14 CPO Selection Board, PERS-803 will initiate paperwork on Petitioner's behalf to request that the Commander, NPC grant him such consideration.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (4) and (6), 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 November 2011 to 15 November 2012, dated 15 November 2012 and signed by Captain T. J. Flannery, USN:

(1) Block 20: Change from "PF" to "PP."

b. That his record be corrected further by removing any service record page 13 ("Administrative Remarks") entry dated on or about 15 June 2012 reflecting that he failed the PFA.

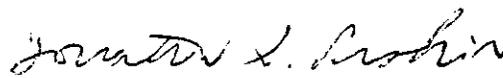
c. That he be afforded SSB consideration for the FY 14 CPO Selection Board.

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.

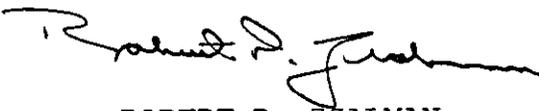
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. 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.


ROBERT D. ZSALMAN
Acting Executive Director