



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

HD
Docket No. NR11-14
6 June 2014

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 19 Sep 13 w/attachments
(2) PERS-32 memo dtd 6 Mar 14 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 fitness report for 1 February to 1 December 2012 (copy at Tab A) and the letter of transmittal dated 10 July 2013 (copy at Tab B), leaving in the record the supplemental report for the same period (copy at Tab C).

2. The Board, consisting of Messrs. George, Gorenflo and Green, reviewed Petitioner's allegations of error and injustice on 5 June 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 (1) was filed in a timely manner.

c. The contested original report shows Petitioner and her four peers all marked "Promotable" (third best of five possible marks)

in block 42 ("Promotion Recommendation - Individual"). In the transmittal letter, the reporting senior explains that all original reports were erroneously submitted with the same "Promotable" promotion recommendation. The supplemental report marked Petitioner "Must Promote" (second best) with one other officer, one officer above her with a mark of "Early Promote" (best) and two below her marked "Promotable."

d. In enclosure (2), PERS-32, the Navy Personnel Command (NPC) office with cognizance over the subject matter of Petitioner's case, has commented to the effect the request should be denied, as the filing in Petitioner's record of the transmittal letter and the supplemental report adequately corrects the error in the contested original report. PERS-32 noted that supplemental material does not change the information on the Performance Summary Record (PSR).

CONCLUSION:

Upon review and consideration of all the evidence of record, and notwithstanding enclosure (2), the Board finds an error and injustice warranting the requested relief. The Board finds that leaving the contested original report in Petitioner's record, as enclosure (2) proposes, could prejudice her, as reviewers of her record could ascribe some validity to the original mark of "Promotable" and the original peer distribution with no officer marked below her; and the original mark and peer distribution are the only ones that would appear on her PSR. In view of the above, the Board recommends the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the following original fitness report and related material, including the letter of transmittal dated 10 July 2013, leaving in the record the supplemental report covering the same period:

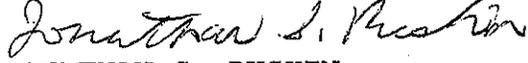
Date of Report	Reporting Senior	Period of Report	
		From	To
15 Dec 12		01 Feb 12	01 Dec 12

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.

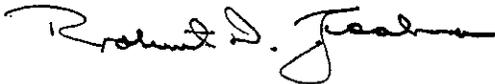
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. 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.


ROBERT D. ZSALMAN
Acting Executive Director

Reviewed and approved:


ROBERT L. WOODS
Assistant General Counsel
(Manpower and Reserve Affairs)
1000 Navy Pentagon, Rm 4D548
Washington, DC 20350-1000

7/21/14