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

HD
Docket No. NR5419-14
27 March 2015

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 Forms 149 dtd 24 Mar and 19 May 14,
each w/attachments
(2) PERS-832 memo dtd 16 Jan 15
(3) PERS-32 memo dtd 21 Jan 15

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 NAVPERS 1070/613 (service record page 13 ("Administrative Remarks")) entry dated 29 March 2011 and his rebuttal dated 1 April 2011 (copies at Tab A) and the enlisted performance evaluation report for 11 November 2010 to 26 May 2011 (copy at Tab B).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 March 2015, 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-832, the Navy Personnel Command (NPC) office with cognizance over enlisted performance, has commented to the effect that the contested page 13 entry should stand.

c. In enclosure (3), PERS-32, the NPC office with cognizance over performance evaluations, has commented to the effect that the contested performance evaluation report should be removed.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) and (3), the Board finds the existence of an error warranting partial relief, specifically, removal of the performance evaluation report at issue. The Board is unable to find the officer who signed the page 13 entry in question did not have "By direction" authority. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the following enlisted performance evaluation report and related material:

Date of Report	Reporting Senior	Period of Report	
		From	To
25 May 11	[REDACTED]	11 Nov 10	26 May 11

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report containing appropriate identifying data; that the memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the removed report.

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

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.

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.


JONATHAN S. RUSKIN
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 J. O'NEILL
Executive Director