



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

[REDACTED]  
Docket No: 3175-16

MAR 03 2017

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN, [REDACTED]

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

Encl: (1) DD Form 149  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) CNP memo 1610 PERS-32 dtd 4 Jan 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, filed enclosure (1) with this Board requesting that his Evaluation and Counseling Record for the reporting period 2 June 2012 to 15 January 2013 ("contested evaluation") and the corresponding Memorandum Entry be removed from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 February 2017, 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, naval records, and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion (AO) furnished by the Chief of Naval Personnel (PERS-32) dated 4 January 2017. Enclosures (1) through (4) apply.

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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner received a Periodic/Regular Evaluation for the reporting period 2 June 2012 to 15 September 2012, a Special/Regular Evaluation for the reporting period 2 June 2012 to 15 January 2013, and a Periodic/Regular Evaluation for the reporting period 16 January 2013 to 15 September 2013. Petitioner contends that two of these Evaluations have overlapping periods

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of observation, and when PERS-32 rejected the contested evaluation and was unable to resolve the issue, the evaluation was accepted with the addition of an evaluation memorandum entry.

d. The AO states that, due to the overlapping periods of observation, the Petitioner proves that the contested evaluation and corresponding memorandum are unnecessary and should be removed from his OMPF. The AO further recommends that, if the contested evaluation and memorandum are removed, Petitioner submit an Administrative Change Letter to correct Block 14 to read 16 September 2012 vice 16 January 2013. The administrative change will allow correction to the Petitioner's evaluation continuity.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action in the form of relief. In this regard, the Board significantly concurred with the comments in the AO. Specifically, that the contested report creates overlapping periods of observation and that it, as well as the corresponding memorandum, are unnecessary.

In view of the above, the Board directs the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the following Evaluation and Counseling Record and the contested evaluation's corresponding Memorandum Entry,:

Reporting Senior  
[REDACTED]

Period of evaluation / digital document ID  
From 12Jun02 to 13Jan15 / #23531775

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.

[REDACTED]  
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 Regulation, 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.

[REDACTED]  
Executive Director