



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

Docket No: 4349-16
OCT 03 2016

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

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

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

Encl: (1) DD Form 149 with attachments
(2) Case Summary with attachments
(3) Service Record (excerpts)
(4) NPC 1610 PERS-32 memo dtd 16 Jun 16

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer of the Navy, filed enclosure (1) with this Board requesting that his naval record be corrected by removing his Fitness Report and Counseling Record covering the period from 2 to 15 August 2014, from his Official Military Personnel File (OMPF). Enclosures (1) through (4) apply.
2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 July 2016 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 enclosure (4), an advisory opinion (AO) furnished by the Navy Personnel Command (NPC) PERS-32.
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. Petitioner's record contains a fitness report covering the period from 14AUG02 to 14AUG15, in which he states, in part, that he had two sets of orders while participating in a Marine exercise, one for 10 days of Annual Training (AT) from 2 to 11 August and the other for four days of Inactive Duty Travel Training (IDTT). Navy directives state that to prepare a NOB/Detachment report for every period of active duty that is greater than 10 days and less than 90 days. AT is considered active duty, and IDTT is not considered active duty.

d. Enclosure (4), received from NPC PERS-32 states, in part, that the report is invalid. Navy directives require reporting seniors to prepare a Not-Observed (NOB) detaching fitness report with comments for every period of active duty that is greater than 10 days and less than 90 days. The reporting period as indicated in block 14-15 of Petitioner's fitness report ending 15 August 2014 is less than 90 days, so the report should have been NOB. The AO recommends that the report be removal and replace with a memorandum to maintain the member's continuity.

CONCLUSION:


Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's requests warrants favorable action. In this regard, and especially in light of the enclosure (4), the Board substantially concurs with the comments contained therein, and concludes that his fitness report ending 15 August 2014 be removed from his OMPF.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following officer fitness report.

Date of report
15 Aug 14

Reporting senior


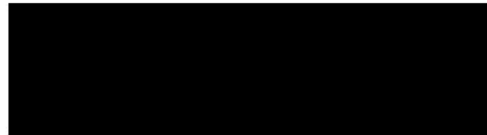
Period of report
From: 14AUG02 to 14AUG15

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such 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 influences as to the nature of the report.

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.


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.



Executive Director