



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

█  
Docket No. 5375-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █ USNR,  
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSINST 1610.10D (EVALMAN)

Encl: (1) DD Form 149 w/attachments  
(2) Fitness Report and Counseling Record 1 Apr 19 to 30 Sep 19  
(3) NPC memo 1610 PERS-32 of 11 Aug 20

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his record be corrected by removing from his official military personnel file (OMPF) the fitness report covering the period 1 April 2019 to 30 September 2019.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 29 June 2021 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 your application, together with all material submitted in support thereof, relevant portions of your naval record, 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. Petitioner states that fitness report dated 1 April 2019 to 30 September 2019, enclosure (2), was placed in his official military personnel file (OMPF) on 31 January 2020 without his signature or acknowledgment. Petitioner contends that the fitness report is erroneous and unjust as the report is adverse and not accurate, he did not receive a copy from the reporting senior (RS), and he was unable to exercise his right to submit a written statement in response to the adverse fitness report.

c. Enclosure (3), an advisory opinion (AO) furnished by Navy Personnel Command (PERS-32) recommended granting Petitioner's request. PERS-32 noted that the fitness report meets the criteria of adverse, as block 41 comments suggest a weakness that would require Petitioner's

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signature. PERS-32 found that the report violates reference (b) and should be removed and replaced with a memorandum for continuity.

#### CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the advisory opinion, the Board determined that Petitioner's request warrants relief. Enclosure (2) contains adverse comments that required the RS to present the fitness report to the Petitioner for review and acknowledgment prior to submitting to Petitioner's OMPF; the RS failed to send the fitness report to Petitioner in violation of reference (b). The Board thus concluded that the fitness report of 1 April 2019 to 30 September 2019 shall be removed.

#### RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Remove fitness report 1 April 2019 to 30 September 2019 from Petitioner's 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.
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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/14/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]