



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

█
Docket No: 8518-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 6110.1J
(c) BUPERSINST 1610.10E

Encl: (1) DD Form 149 w/attachments
(2) Fitness Report & Counseling Record for the reporting period 1 Dec 19 to 31 Dec 19
(3) LT █ ltr 1610 [SSN] of 16 Nov 20
(4) CAPT █ ltr of 23 Nov 20
(5) Advisory Opinion by NPC memo 1610 PERS-32 of 11 Dec 20
(6) NAVPERS 1200/1 Ready Reserve Transfer Request Service Agreement of 4 Nov 19

1. Pursuant to the provisions of the reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to modify his Fitness Report & Counseling Record (fitness report) for the reporting period 1 December 2019 to 31 December 2019 by removing the “F” from block 20 (Physical Readiness).

2. The Board reviewed Petitioner's allegations of error and injustice on 7 September 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 the enclosures, relevant portions of Petitioner’s naval records, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner was issued enclosure (2), a Detachment of Individual/Regular “Not Observed” fitness report for the reporting period 1 December 2019 to 31 December 2019.

b. Petitioner contends that block 20 of the fitness report reflects a physical fitness assessment (PFA) failure for cycle 2019-2 although he did not fail the PFA and a PFA failure was not recorded in his Physical Readiness Information Management System (PRIMS) record. Petitioner claims that he contacted his reporting senior (RS) and his RS refused to submit a supplemental fitness report. Petitioner also claims that he was unable to participate in the PFA because he was

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transitioning from a Reserve component to the Individual Ready Reserve (IRR). Petitioner also contends that this contested fitness report caused his failure to select.

c. On 16 November 2020, Petitioner submitted a statement to the record noting that his 2019-2 PFA was never recorded in PRIMS. Petitioner noted that, pursuant to reference (b) the commanding officer (CO) must issue a letter of notification within 30 days, additionally, per reference (c) the fitness report must match the data entered in PRIMS. Enclosure (3).

d. On 23 November 2020, Petitioner's RS endorsed Petitioner's statement, noting that Petitioner failed to complete a PFA during the 2019-2 reporting cycle. Enclosure (4).

e. The advisory opinion (AO), furnished by the Navy Personnel Command (PERS-32) recommended that Petitioner's record remain unchanged pending submission of the Letter-Supplement from the original RS. The AO noted that upon review of the PRIMS record, no information was recorded for Petitioner's PFA cycle 2019-2, and without PRIMS documentation PERS-32 was unable to confirm the accuracy of the block 20 entry. The AO also noted that according to reference (c), after a fitness report has been filed in the official military personnel file, it may be modified only through an administrative change or the addition of supplementary material. Accordingly, the AO recommended that Petitioner contact the original RS to prepare a Letter-Supplement for a revised report. Enclosure (5).

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Majority of the Board found the existence of an error warranting corrective action. In this regard, the Majority noted the AO and Petitioner statement regarding the absence of PRIMS data for PFA cycle 2019-2. The Board also noted enclosure (6), Petitioner's Ready Reserve transfer request, Petitioner's justification for the correction to his record, and his statement regarding efforts to contact and obtain his RS's approval for a Letter-Supplement. The Majority determined that Petitioner's contentions were credible and that Petitioner's contested fitness report shall be modified.

MAJORITY RECOMMENDATION

In view of the above, the Majority recommend the following corrective action.

Petitioner's naval record be corrected by modifying enclosure (2), his fitness report for the reporting period 1 December 2018 to 31 December 2018 by changing block 20 to reflect "N" (no PFA conducted during reporting period) instead of "F."

Petitioner's naval record be corrected by removing enclosures (3) and (4), Petitioner's letter of 16 November 2020, and his RS's endorsement of 23 November 2020.

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MINORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Minority of the Board found the evidence insufficient to warrant corrective action. In this regard, the Minority noted that the RS appropriately documented Petitioner's failure to complete a PFA during the 2019-2 cycle. The Minority also noted the RS's 23 November 2020 response to Petitioner's statement. Specifically, Petitioner "failed to complete a PFA during the 19-2 reporting cycle." The Minority noted, too, that according to reference (b), at the end of each PFA cycle, the commanding officer has authority to determine whether non-participation was authorized or unauthorized and all unauthorized non-participation shall be designed and scored a PFA failure. The Minority found no evidence that Petitioner obtained or attempted to obtain approval not to participate in the required PFA. The Minority determined that Petitioner had the opportunity to complete the PFA during required drills from the 1 July 2018 to 31 December 2018 PFA cycle. The Minority determined that the RS acted according to regulations and appropriately documented Petitioner's non-participation during PFA 2019-2 cycle as a failure.

MINORITY RECOMMENDATION

No corrective action to Petitioner record.

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.
5. The foregoing action of the Board is submitted for your review and action.

9/20/2021

[REDACTED]
Executive Director

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Assistant General Counsel (Manpower and Reserve Affairs) Decision:

Reviewed, Majority Recommendation (Grant Relief)

~~Reviewed, Minority and Advisory Opinion Recommendation (Deny Relief)~~

10/31/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]