



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

[REDACTED]
Docket No. 1477-22
Ref: Signature Date

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

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

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 10 Dec 18 to 25 Jul 19
(3) NPC memo 1610 PERS-32 of 4 Mar 22

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 his fitness report covering the period 10 December 2018 to 25 July 2019.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 March 2022 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 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. Enclosure (2), a fitness report covering the period 10 December 2018 to 25 July 2019 is in Petitioner's record—it is not signed, however, the reporting senior (RS) annotated "Certified Copy Provided" in the Petitioner's signature block and submitted the report into Petitioner's official military personnel file.

c. Petitioner contends that the report is erroneous and unjust, as it is an adverse report with adverse language and Petitioner did not review or sign the report in accordance with reference (b).

d. Enclosure (3), an advisory opinion (AO) furnished by Navy Personnel Command (PERS-32), recommended granting Petitioner's request due to the fact that reference (b) requires the RS

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to obtain a member's signature when there are comments suggesting "a persistent weakness, continuing incapacity, or unsuitability for specific assignment, or promotion." PERS-32 noted that Block 41 comments could be perceived as adverse and should have been presented to Petitioner for review and signature.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO, the Board determined that Petitioner's request warrants relief. Enclosure (2) contains language that is adverse and Petitioner did not have the opportunity to review, comment, and sign in accordance with reference (b). The Board thus concluded that the fitness report of 10 December 2018 to 25 July 2019 shall be removed and replaced with a memorandum for continuity.

RECOMMENDATION

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

Remove fitness report 10 December 2018 to 25 July 2019 from Petitioner's record and replace with a memorandum for continuity.

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.

3/19/2022

[REDACTED]

Deputy Director

[REDACTED]