AND SATES OF THE STATES OF THE

DEPARTMENT OF THE NAVY

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

> Docket No. 2375-22 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF USN,

XXX-XX-

Ref: (a) 10 U.S.C. § 1552

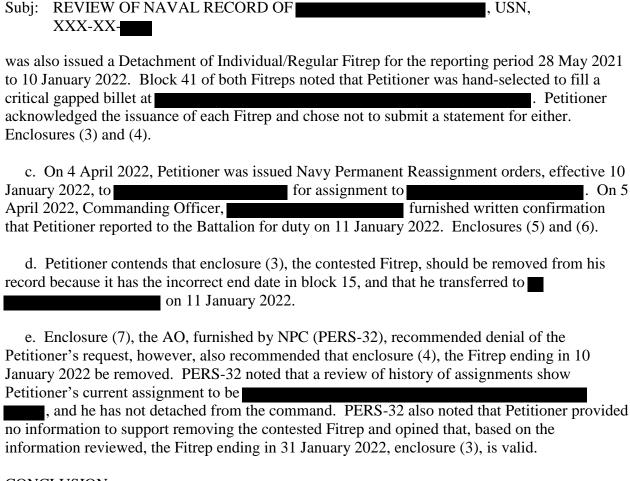
(b) BUPERSINST 1610.10F (EVALMAN)

Encl: (1) DD Form 149 w/attachments

- (2) Petitioner BOL Officer Data as of 1 Apr 22
- (3) Fitrep and Counseling Record for the reporting period 28 May 21 to 31 Jan 22
- (4) Fitrep and Counseling Record for the reporting period 28 May 21 to 10 Jan 22
- (5) CG, Memo, 4 Apr 22
- (6) CO. Bn Memo, 5 Apr 22
- (7) NPC (PERS-32) Advisory Opinion, 1 Apr 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 naval record be corrected by removing a Fitness Report and Counseling Record (Fitrep) for the reporting period 28 May 2021 to 31 January 2022.
- 2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 16 June 2022. The names and votes of the panel members will be furnished upon request. Petitioner allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b). The Board also considered, enclosure (7), an advisory opinion (AO) furnished by Navy Personnel Command (NPC)(PERS-32) and Petitioner's rebuttal to the AO dated 4/5 April 2022.
- 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. On 11 August 2020, Petitioner reported to	
	Enclosure (2).

b. Pursuant to reference (b), Petitioner was issued a Periodic/Detachment of Individual/Regular Fitrep for the reporting period 28 May 2021 to 31 January 2022. Petitioner



CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. In this regard, the Board determined that after receiving additional supporting evidence not previously considered by PERS-32, Petitioner was reassigned to on 11 January 2022, thus indicating the Fitrep at enclosure (3) ending in 31 January 2022 is invalid, and the Fitrep at enclosure (4) ending in 10 January 2022, valid. The Board concluded that the Fitrep at enclosure (3) shall be removed from Petitioner's official military personnel files.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (3), Fitrep for the reporting period 28 May 2021 to 31 January 2022.

That no further changes be made to Petitioner's naval 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.

Subj: REVIEW OF NAVAL RECORD OF XXX-XX-

5. I am acting on behalf of the Executive Director subject to her recusal from the post-board approval of the Board's findings due to her participation on the Board and her express delegation. As such, the foregoing action of the Board is submitted for your review and action based on special delegation by the Executive Director.



From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief, but remove the Fitrep ending 10 January 2022, enclosure (4))

Reviewed and Approved Board Recommendation (Grant Relief)

