



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

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was also issued a Detachment of Individual/Regular Fitrep for the reporting period 28 May 2021 to 10 January 2022. Block 41 of both Fitreps noted that Petitioner was hand-selected to fill a critical gapped billet at [REDACTED]. Petitioner acknowledged the issuance of each Fitrep and chose not to submit a statement for either. Enclosures (3) and (4).

c. On 4 April 2022, Petitioner was issued Navy Permanent Reassignment orders, effective 10 January 2022, to [REDACTED] for assignment to [REDACTED]. On 5 April 2022, Commanding Officer, [REDACTED] furnished written confirmation that Petitioner reported to the Battalion for duty on 11 January 2022. Enclosures (5) and (6).

d. Petitioner contends that enclosure (3), the contested Fitrep, should be removed from his record because it has the incorrect end date in block 15, and that he transferred to [REDACTED] on 11 January 2022.

e. Enclosure (7), the AO, furnished by NPC (PERS-32), recommended denial of the Petitioner's request, however, also recommended that enclosure (4), the Fitrep ending in 10 January 2022 be removed. PERS-32 noted that a review of history of assignments show Petitioner's current assignment to be [REDACTED], and he has not detached from the command. PERS-32 also noted that Petitioner provided no information to support removing the contested Fitrep and opined that, based on the information reviewed, the Fitrep ending in 31 January 2022, enclosure (3), is valid.

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 [REDACTED] 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.

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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.

[REDACTED] 7/8/2022
Deputy 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)

9/9/2022
[REDACTED]
Assistant General Counsel (M&RA)
Signed by: [REDACTED]