



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

█  
Docket No: 2618-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, USN,  
█

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

Encl: (1) DD Form 149 w/attachments  
(2) Evaluation & Counseling Record of 16 Sep 19 to 1 Feb 20  
(3) Evaluation & Counseling Record of 16 Sep 19 to 15 Sep 20  
(4) NAVPERS 1616/23, Fitness Report/Enlisted Evaluation Memo Entry of 17 Feb 22  
(5) NPC Memo 1610 PERS 32 of 15 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 his 16 September 2019 to 1 February 2020 Evaluation and Counseling Record (Eval). Enclosure (2).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 28 April 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 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. On 1 February 2020, Petitioner transferred from █ (█) to Naval Submarine Support Center (NSSC) █ on temporary additional duty (TAD) assignment.

c. Petitioner was issued enclosure (2), a Detachment of Individual/Regular Eval for the reporting period 16 September 2019 to 1 February 2020 from █. The Eval was not signed by the Petitioner. Subsequently, Petitioner was also issued enclosure (3) from his temporary command NSSC █; a Periodic/Regular/Concurrent Eval that covered an overlapping reporting period of 16 September 2019 to 15 September 2020.

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[REDACTED]

d. On 23 October 2020, enclosure (2) was returned to the reporting senior (RS) for correction by the Navy Personnel Command (PERS-32) noting that the Eval is required to be signed by the member or otherwise properly annotated by reference (b). By memorandum, on 17 February 2022, PERS-32 rejected the Eval due to no response from the RS and filed the Eval with the memorandum in Petitioner's record. See enclosures (4) and (5).

e. Petitioner contends that during the reporting period, he was still attached to his previous command; however, he was TAD to NSSC. Petitioner further contends he was never briefed on the Eval or received a "Certified Copy".

f. Enclosure (5), the advisory opinion (AO) furnished by PERS-32, recommended removal of the contested Eval, noting that only one regular evaluation report can be submitted for a reporting period. Since the contested Eval is unsigned and never corrected, the AO recommended it be removed from Petitioner's record.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO, the Board finds the existence of an error warranting corrective action. The Board noted that Petitioner furnished sufficient evidence that establishes an injustice warranting removal of the Eval at enclosure (2). Thus, the Board substantially concurred with the AO that allowing the contested Eval to remain in Petitioner's record would perpetuate an error in his record, and concluded that it shall be removed from Petitioner's official military personnel file.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his evaluation and counseling record (E7-E9) from [REDACTED] for the reporting period 16 September 2019 to 1 February 2020.

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/3/2022

[REDACTED]  
Executive Director

Signed by: [REDACTED]