

## **DEPARTMENT OF THE NAVY**

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

> Docket No: 3494-22 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF

Ref: (a) Title 10 U.S.C. § 1552

(b) **BUPERSINST 1610.10C** 

Encl: (1) DD Form 149 w/attachments

- (2) Evaluation Report & Counseling Record, 10Aug17 to 15Mar18 (Original)
- (3) Evaluation Report & Counseling Record, 10Aug17 to 15Mar18 (Substitute)
- (4) NPC memo 1610 PERS-32 of 18 Jul 22 (AO)
- 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 enclosure (2), the Evaluation Report and Counseling Record (Eval) for the reporting period 10 August 2017 to 15 March 2018 and replacing it with enclosure (3).
- 2. The Board, consisting of previous pr
- 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. Petitioner was issued enclosure (2), a Detachment of Individual/Regular Eval for the reporting period 10 August 2017 to 15 March 2018. Petitioner reviewed and signed for the Eval on 24 March 2018, and did not submit a statement. The Eval was accepted by the Navy Personnel Command and placed in the Petitioner's record on 1 June 2018.
- c. Petitioner contends that the Eval on file is incorrect and has errors in blocks 3, 7, 36, 40, 41, 44, 46, and 50. Petitioner claims the correct version was not properly uploaded into his official military personnel file (OMPF) after the errors were corrected in 2018. Petitioner further contends that enclosure (3), dated 24 May 2018, is the correct version that should have been uploaded to his file.

d. Enclosure (4), the advisory opinion (AO), furnished by PERS-32, recommended the Petitioner's record remain unchanged pending submission of the required Letter-Supplement in accordance with reference (b), or a directive from the Board to remove and replace the original Eval. PERS-32 noted the revised Eval makes correction to blocks, 36, 40, 41, 44, 45, and 46, which are supplemental changes, but the reporting senior did not submit a Letter-Supplement with the revised Eval validating the changes to the original report. PERS-32, however, did not object to accepting the Letter-Supplement if submitted by his RS if approved by the Board. Petitioner was provided a copy of the AO to determine if he took the recommended corrective action but failed to respond.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board concurred with the AO; however, determined that the Letter-Supplement is unobtainable and would place an unnecessary burden on the Petitioner. The Board thus concluded by directing PERS-32 to remove and replace the original Eval at enclosure 2, with the revised Eval at enclosure (3).

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his Eval for the reporting period 10 August 2017 to 15 March 2018, and replacing it with enclosure (3), his revised Eval for the same reporting period.

- 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.

