



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

[REDACTED]
Docket No. 4466-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1610.10E (EVALMAN)
(c) SECNAV WASHINGTON DC 021838Z Dec 20 (ALNAV 103/20)
(d) CNO WASHINGTON DC 261722Z Aug 21 (NAVADMIN 187/21)

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report & Counseling Record for the reporting period 1 Jul 21 to 31 Oct 21
(3) Advisory Opinion by NPC (PERS-32), 27 Jun 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 his naval record be corrected by removing the Fitness Report & Counseling Record (fitness report) at enclosure (2).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 August 2022, and pursuant to its regulations, determined 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. Petitioner was issued enclosure (2), a periodic, regular fitness report, and block 2 of the report reflects Petitioner's grade as Lieutenant Commander (LCDR).

b. The Advisory Opinion (AO) at enclosure (3) states Petitioner's promotion history does not reflect a promotion to LCDR but that he is currently serving on active duty in the grade of Lieutenant (LT). Since the fitness report is a not-observed, the AO recommends block 2 be corrected to reflect "LT" vice "LCDR" and block 10 changed to "special" vice "periodic." The AO further states it will ensure the Officer Summary Record (OSR)/Performance Summary Record (PSR) is corrected in accordance with the Board's decision.

c. Petitioner contends the fitness report at enclosure (2) is in error because it reflects his grade as LCDR although he has not been promoted yet, and was still a LT when the fitness report was issued..

d. Reference (c) reflects Petitioner was selected by the Fiscal Year 2021 Navy Reserve LCDR Staff Corps Promotion Selection Board, and per reference (d), he was projected for promotion effective 1 September 2021. However, Petitioner transferred to the Active Duty List just prior to his Reserve projected promotion date of 1 September 2021. His Reserve select number was therefore integrated into the Fiscal Year 2021 Navy Active Duty LCDR Staff Corps Promotion List, which, unlike Reserve

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promotions to LCDR, required Senate confirmation. Petitioner's nomination was not received in the Senate and referred to the Committee on Armed Services until 28 April 2022, and was not confirmed by the Senate until 26 May 2022. Therefore, Petitioner's projected promotion, as announced in reference (d) had not been effected when he was issued the contested fitness report.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief. In this regard, the Board noted that although he was projected for promotion effective 1 September 2021, he was transferred to the Active Duty List prior to 1 September 2021, and his promotion could not be effected until his nomination was confirmed by the Senate. The Board thus concurred with the AO and Petitioner that the contested fitness report is in error. The Board thus concluded the modifications recommended by the AO should be made to the fitness report at enclosure (2).

RECOMMENDATION

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

Petitioner's naval record be corrected by modifying the fitness report at enclosure (2) as follows:

- a) Modify block 2 to reflect "LT" vice "LCDR" and
- b) Modify block 10 to reflect "special" vice "periodic"

Petitioner's OSR/PSR be corrected to appropriately reflect the directed modifications.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.

9/15/2022

