



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

[REDACTED]
Docket No. 5607-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1610.10E
(c) NAVADMIN 150/20

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 PERS 8031/292, 5 Aug 22
(3) Subject's naval record

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 to establish performance mark average (PMA) for the September 2020 (Cycle 248) Navy Wide Advancement Exam and consideration for advancement to Hospital Corpsman Third Class (HM3)/E-4.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 September 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 record, 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 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. In accordance with reference (b), E-3 periodic evaluation are due on 15 July. A periodic report may be omitted if a member has received a graded Regular report within the prior 3 months. The omitted period is included in the next Regular report. Otherwise, periodic reports must be submitted on the due dates, and may be extended by letter for up to 3 months in lieu of a Detachment report. Additionally, the policy specifies, Not Observed (NOB) reports may be submitted for short periods of duty or temporary additional duty (TEMADD) (no more than 3 months) that are purely for administrative or training purposes, during which the members' performance is completely independent of their permanent command's influence. Under unique circumstances, a reporting senior can submit a NOB report for any period if the reporting senior

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does not feel that there has been enough observation to grade with confidence, i.e., member has been onboard for 6 months but member was TEMADD for a majority of the reporting period, etc. Justification and explanation must be provided in the comments field. Observed reports are desired if any fair and meaningful evaluation or recommendation can be made.

b. Reference (c) specified, the minimum time in rate for E-4 candidates was 1 July 2020. Additionally, the policy indicated that candidates taking the E-4 NWAEE will have their PMA computed using all evaluations in the current pay grade that fell within the 1 January 2020 to 31 August 2020 period.

c. On 21 May 2019, Petitioner issued BUPERS Order: 1419 (Official Change Duty Orders) to [REDACTED] for duty via [REDACTED] for temporary duty under instruction; estimated date of arrival was 6 January 2020 with graduation date and estimated date of departure of 11 March 2020.

d. On 7 July 2019, Petitioner signed Periodic/Regular evaluation for the period of 16 July 2018 through 15 July 2019 with a promotion recommendation of "Must Promote" equating to a 3.80 PMA points.

e. On 19 November 2019, Petitioner signed Detachment of Individual/Regular evaluation for the period of 16 July 2019 through 9 December 2019 with a promotion recommendation of "Early Promote" equating to a 4.00 PMA.

f. On 6 January 2020, Petitioner reported to [REDACTED] for temporary duty.

g. On 15 September 2020, Petitioner issued BUPERS Order: 1419 (Official Modification to Change Duty Orders) to [REDACTED] for duty via [REDACTED] for temporary duty under instruction; [REDACTED] for temporary duty; and [REDACTED] for further assignment.

h. On 15 September 2020, Petitioner detached [REDACTED] and reported to [REDACTED] for duty on 17 September 2020.

i. In September 2020, Petitioner participated in Cycle 248 NWAEE and it "was invalidated due activity request."

j. On 31 August 2021, the Executive Officer for FLD MED [REDACTED] issued a Periodic/Detachment of Individual NOB/Regular evaluation for the period of 10 December 2019 through 15 September 2020 indicating, "Evaluation is submitted as a NOB for the period covered, as there has not been enough observation to grade with confidence. Report submitted for continuity purposes upon member's transfer to [REDACTED]."

k. In March 2022, Petitioner participated in Cycle 255 NWAEE and was selected for advancement to HM3/E-4; effective date not scheduled.

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1. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request be disapproved, but provided an alternated recommendation. The alternate recommendation indicates, "Due to an administrative oversight at Field Medical Service Technician Course and no fault of the Petitioner's, they were given a Not Observed Evaluation with an ending period outside the guidelines set forth in reference (c) [NAVADMIN 150/20] to establish their performance mark average. It is recommended to conduct a standard score comparison to see if the sailor would have advanced from September 2020 (Cycle 248) NWAE."

CONCLUSION

Upon review and consideration of all the evidence of record, and the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board determined the Reporting Senior could have provided a periodic regular evaluation during 15 July 2020 reporting period but did have authority to issue NOB extended report making the Petitioner ineligible for participation in the September 2020 (Cycle 248). The Board concluded there was no administrative error, but an injustice occurred that require correction by establishing a PMA based on the average of Petitioner's 2019 "Must Promote" and "Early Promote" evaluations.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's September 2020 (Cycle 248) is validated and recalculated with a PMA of "3.9."
Note: Navy Personnel Command shall determine if Petitioner's FMS after recalculation meets the minimum multiple required for retroactive advancement to HM3/E-4 from Cycle 248 vice advancement from Cycle 255.

A copy of this Report of Proceedings will be filed in 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.

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

10/14/2022

[REDACTED]

Deputy Director

[REDACTED]