



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

[REDACTED]
Docket No: 6457-22

Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) Fitness report for the reporting period 16 Sep 21 to 14 Jul 22
(3) NPC memo 1610 PERS-32 of 7 Sep 22

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to modify the fitness report for the reporting period 16 September 2021 to 14 July 2022.
2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 October 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, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. On 7 July 2022, Petitioner's reporting senior (RS) issued Petitioner's Detachment of Reporting Senior/Regular report. In block 41, Petitioner's RS commented that "Member TAD to [REDACTED] pending resolution of administrative processes. She has not performed the duties of Top Snipe position she is billeted for onboard [REDACTED] since 28 Jan 22", block 46, 'Signature of individual evaluated' indicates "CERTIFIED COPY PROVIDED", and Petitioner's promotion recommendation was marked 'Promotable'. Enclosure (2).
 - c. In her application, Petitioner contends that a detachment for cause (DFC) request was pending at the time of the evaluation and, according to the Navy Performance Evaluation System Manual (EVALMAN), pending cases should not be added to evaluations. Petitioner also contends that she was not given the opportunity to sign the evaluation or receive a brief even

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

though she was in the area where the ship was in port. Instead, she received a certified copy. Petitioner claims that the DFC request was rescinded shortly after the evaluation was submitted and therefore request modifications by changing block 29 to “DLCPO. PRI: DLCPO-6 . . .” removal of the block 41 statement, “Member TAD to [REDACTED] CSD pending resolution of administrative processes. She has not performed the duties of Top Snipe position she is billeted for onboard [REDACTED] since 28 Jan 2022”, and to replace it with the statement, “SCPO [. . .] never slows down, maintaining an unmatched momentum in the face of any challenge. Match her drive with a second star!”

d. In enclosure (3), an advisory opinion (AO) provided by the Navy Personnel Command (PERS-32), PERS-32 recommended that Petitioner’s record remain unchanged. The AO explained that the contested fitness report is on file, the RS annotated “Certified Copy Provided” and the evaluation is technically valid. The AO noted that Petitioner’s requested changes are supplemental and requires a Letter-Supplement from the original RS. The AO was unable to determine if the pending DFC had an impact on the language and performance traits on the report and noted that the fitness report does not make reference to a DFC. The AO determined that the RS was permitted to enter “Certified Copy Provided” when a fitness report is not adverse, and the fitness report was reviewed and is not considered adverse. The AO also determined that there is no evidence that Petitioner was not debriefed, counseling methods are up to the commanding officer, and documentation of counseling remains at the command level and is not forwarded to PERS-32.

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an injustice warranting partial corrective action.

The Board substantially concurred with the AO that Petitioner’s fitness report is valid, that it is not adverse, and should not be modified as requested by Petitioner. The Board, however, carefully considered the block 41 comments and opined that the statement “pending resolution of administrative processes” has a negative connotation and determined that particular statement should be removed as a matter of injustice.

RECOMMENDATION

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

Petitioner’s naval record be corrected by modifying enclosure (2), by removing the block 41 statement, “pending resolution of administrative processes”.

No other corrective action.

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

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

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.

11/6/2022

[REDACTED]

Executive Director

[REDACTED]