



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

██████████  
Docket No. 7833-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN, XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) NAVADMIN 255/21  
(c) BUPERSINST 1610.10E

Encl: (1) DD Form 149 w/attachments  
(2) Evaluation Report & Counseling Record, 16 Nov 20 to 14 Nov 21  
(3) Evaluation Report & Counseling Record, 16 Nov 20 to 15 Sep 21  
(4) Evaluation & Counseling Record, 16 Sep 21 to 15 Aug 22  
(5) Advisory Opinion by NPC Memo 1610 PERS-32, 25 Oct 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 enclosure (2).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 20 December 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. Petitioner was issued enclosure (2), a Promotion/Frocking/Regular Eval for the reporting period 16 November 2020 to 14 November 2021, documenting his selection to Chief Petty Officer (CPO).

c. Petitioner was issued enclosure (3), a Promotion/Frocking/Regular Eval for the reporting period 16 November 2020 to 15 September 2021. This Eval also documented his selection to CPO.

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d. Petitioner was issued enclosure (4), a Detachment of Individual/Regular Eval for the reporting period 16 September 2021 to 15 August 2022.

e. Petitioner contends that the Eval on file at enclosure (2), is a duplicate of the Eval at enclosure (3) and it should be removed from his official military personnel file (OMPF). Enclosure (1).

f. Enclosure (5), the advisory opinion (AO), furnished by PERS-32, determined that the Eval ending 14 November 2021 (enclosure (2)) should remain in Petitioner's OMPF as it is valid and in accordance with reference (b), which directed commands to submit a Promotion/Frocking Eval with the end date of 14 November 2021 for newly selected CPOs. Additionally, PERS-32 recommended the Eval ending 15 September 2021 (enclosure (3)) be removed as it is invalid. Lastly, PERS-32 recommended the command submit an administrative change letter to correct the subsequent Eval ending 15 August 2022 (enclosure (4)) to reflect a start date of 15 November 2021 vice 16 September 2021 in order to correct the gap in continuity once the Eval at enclosure (3) is removed.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board substantially concurred with the AO that the challenged Eval is valid as written and filed in accordance with references (b) and (c). The Board concluded the contested Eval shall remain in Petitioner's OMPF.

The Board, however, found the existence of an error warranting partial relief. In this regard, the Board determined the Eval at enclosure (3) is invalid for the reasons stated in the AO, and that it shall be removed from Petitioner's OMPF.

With regards to the Eval at enclosure (4), while the Board concurred with the AO that reference (c) requires an Administrative Change Letter to correct Block 14, the Board decided to direct PERS-32 to modify the Eval instead of requiring the Administrative Change Letter in order to remove the administrative burden from the Petitioner.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (3), his Eval for the reporting period 16 November 2020 to 15 September 2021.

Petitioner's naval record be corrected by modifying enclosure (4) by changing the Period of Report, Block 14 From date to 21NOV15 vice 21SEP16.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

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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.

1/18/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]