



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

[REDACTED]  
Docket No. 8085-22  
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.  
(b) BUPERSINST 1610.10E (EVALMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) Evaluation & Counseling Record, 16 Sep 19 to 31 Dec 19  
(3) Advisory opinion by NPC PERS-32, 7 Nov 22

1. Pursuant to the provisions of reference (a) Section 1552, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting removal of enclosure (2).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 January 2023, 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. 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 detachment of individual, regular evaluation for the reporting period 16 September 2019 to 31 December 2019. He was marked "below standards" in blocks 33, 35-37, and 38, resulting in a member trait average of 1.57. Petitioner received a "significant problems" promotion recommendation and was not recommended for retention "let alone promotion." The evaluation at enclosure (2) is not signed by the Petitioner in block 46 nor is there an explanation for the missing signature.

b. Petitioner contends enclosure (2) should be removed because the evaluation is erroneous, slanders his character, and contains falsified information. Further, he contends the lack of his signature requires relief, making the evaluation "not lawful in nature" and damaging to his career. Petitioner also explains that the issuing command unsuccessfully attempted three times to submit the evaluation but it was eventually entered into his record without his consent and in violation of his due process rights.

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c. The advisory opinion (AO) at enclosure (3) stated reference (b) requires the adverse evaluation be signed by the member or a statement of why the member was unable to sign must be placed in the member's signature block. Due to the error and injustice represented by the unsigned adverse evaluation, the AO recommends removal of the report.

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 and concluded the noted error necessitated the removal of enclosure (2).

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the detachment of individual evaluation at enclosure (2) for the reporting period 16 September 2019 to 31 December 2019.

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.

2/7/2023

[REDACTED]

Deputy Director

[REDACTED]