



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

[REDACTED]
Docket No. 2386-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
XXX-XX-[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Fitness Report & Counseling Record, 1 Mar 20 to 28 Feb 21
(3) Fitness Report & Counseling Record, 1 Mar 20 to 28 Feb 21
(4) Timeline of Events
(5) CO, [REDACTED] ltr 1570 [SSN] of 26 Oct 22
(6) Fitness Report & Counseling Record, 1 Mar 20 to 28 Feb 21
(7) NPC memo 1610 [REDACTED] of 27 Mar 23

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 her naval record be corrected by modifying enclosure (2).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 May 2023 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. 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 a Periodic/Detachment of Reporting Senior Fitness Report for the period 1 March 2020 to 28 February 2021. The Fitness Report was marked above standards in blocks 33 and 37 and the promotion recommendation in blocks 42 and 43 were marked "early promote." The Member Trait Average was 3.33 and the Summary Group Average was 3.21. Enclosure (2).

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b. On 27 March 2022, Petitioner noticed that her fitness report at enclosure (2) was rejected. The Administration Officer informed her that the fitness report was rejected by PERS-32 because pursuant to reference (b), O-2's can only be ranked as "Promotable." When Petitioner received the corrected fitness report, she noted that the Administration Officer correctly marked the promotion recommendation as "promotable" but misunderstood the guidance provided by the Executive Officer and incorrectly lowered her "above standards" markings in blocks 33 and 37 to "Meets Standards" and submitted the fitness report to PERS-32. Enclosures (3) and (4).

c. On 26 October 2022, Commanding Officer, Naval Reserve [REDACTED] wrote a Letter-Supplement to correct blocks 33, 37 and 45 on enclosure (3). Additionally, the CO submitted a corrected copy of the fitness report, however, PERS-32 rejected this letter supplement and corrected fitness report because the fitness report at enclosure (3) had already been submitted and uploaded to her official record, and the letter supplement was submitted over two years after the original fitness report was issued. Enclosures (5) and (6).

d. Petitioner contends that on her original fitness report she was ranked "Early Promote" with a Member Trait Average of 3.33 out of 3.21 but the fitness report was rejected because per Navy Policy, an O2 can only be ranked as "Promotable." She claims that the Administration Officer at the time misunderstood the guidance given and instead of only changing the Promotion Recommendation to "Promotable" they also incorrectly lowered her performance traits in blocks 33 and 37 to "Meets Standards" which also changed her Member Trait Average to 3.00 vice 3.33. Finally, a corrected copy as well as a Letter-Supplement was sent to PERS-32, however, they would not accept the report because there was already a copy on file.

e. The advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32), recommended that Petitioner's record remain unchanged. The AO noted that pursuant to reference (b), once a fitness report has been filed in the member's record it may only be modified through an administrative change or the addition of supplementary material. However, the AO also noted that although the Petitioner also provided a Letter-Supplement signed by the Reporting Senior (RS), pursuant to reference (b), the original RS may submit supplementary material within 2 years after the ending date of the report. They noted that the report in question exceeds this period and that changes are not permitted unless otherwise directed by the Board.

f. In Petitioner's response to the AO, she further stated that her unit was still teleworking from February 2021 to March of 2022 and that she was never debriefed on her fitness report or provided a copy to sign. Further, she contends that it took her a year of working with her unit leadership and PERS only to find out that it would not be resolved and that she would need to contact the Board.

CONCLUSION

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

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The Board determined that the original report was the most accurate depiction of Petitioner's performance during the reporting period. The Board also determined that the fitness report accepted by PERS-32, enclosure (3), was issued by Petitioner's command in error. The corrected version, submitted two years later due to no fault of Petitioner, should have been the original report submitted to her record based upon the available evidence. While the Board agreed with the AO that no error exists with Petitioner's record, the Board determined that it would be an injustice for the original fitness report to remain in the Petitioner's record. Therefore, the Board concluded it was in the interests of justice to remove enclosure (3) from Petitioner's record and replace it with enclosure (6).

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (3).

Petitioner's naval record be corrected by adding enclosure (6).

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. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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. The foregoing action of the Board is submitted for your review and action.

5/17/2023

[REDACTED]
Deputy Director
[REDACTED]