



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

█  
Docket No. 3716-23  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C.

- Encl: (1) DD Form 149 w/enclosures  
(2) Evaluation Report & Counseling Record for the reporting period 16 Nov 20 to 15 Nov 21  
(3) █ memo █ XXX-XX-█, subj: Evaluation Report Administrative Change, 30 Apr 2022  
(4) PERS-32 Advisory Opinion, subj: [Petitioner], 8 May 2023

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 his naval record be corrected by modifying his Evaluation Report & Counseling Record (EVAL) at enclosure (2) to show it was issued on the occasion of his detachment on 30 September 2021. Petitioner further requested the EVAL reflect an “Early Promote” promotion recommendation.

2. The Board, consisting of █, █, and █, reviewed Petitioner’s allegations of error and injustice on 25 May 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. 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 periodic, regular EVAL for the reporting period 16 November 2020 to 15 November 2021. On 30 April 2022, Commanding Officer (CO), Navy █ submitted enclosure (3) to Commander, Navy Personnel Command (PERS 32) requesting administrative changes to enclosure (2). Specifically, the CO requested the start date of the reporting period be changed to 1 April 2021 because Petitioner reported to the command on that date vice 16 November 2020.

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c. Petitioner contends enclosure (2) should not have been entered into his official military personnel file (OMPF). Specifically, he contends the reporting period end date is incorrect because he executed reserve orders and reported to Navy Personnel Command (NPC) on 1 October 2021. He also believes he deserves a corrected EVAL with an "Early Promote" promotion recommendation.

d. The Advisory Opinion (AO) at enclosure (4) noted Petitioner executed reserve training orders and reported to NPC on 1 October 2021 so the reporting period of enclosure (2), as modified by enclosure (3), is incorrect. Therefore, the AO determined enclosure (2) is in error, and Petitioner should have received a detachment of individual EVAL for the reporting period 1 April 2021 to 30 September 2021. The AO recommends removal of enclosure (2) and replacement with a corrected EVAL submitted by NCHB 13 for the revised reporting period of 1 April 2021 to 30 September 2021.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief. The Board concurred with the AO and concluded enclosure (2) is in error and warrants removal. The Board further noted enclosure (3) modifies enclosure (2) and therefore should also be removed in the interest of justice.

Regarding Petitioner's request for a corrected EVAL with an "Early Promote" recommendation, the Board determined this action was not yet ripe for consideration. Based on the recommended relief, the Board concluded Petitioner had not yet exhausted his administrative remedies to seek a corrected evaluation from his former command. However, the Board determined it was in the interests of justice to direct PERS-32 to facilitate a replacement EVAL.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing the EVAL and administrative change letter at enclosures (2) and (3). PERS-32 is directed to contact [REDACTED] to facilitate the EVAL replacement.

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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/8/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]