



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

[REDACTED]
Docket No. 4747-23
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.
(b) BUPERSINST 1610.10E

Encl: (1) DD Form 149 w/enclosures
(2) Evaluation Report & Counseling Record (E1-E6), 16 Nov 21 to 31 Mar 22
(3) Evaluation Report & Counseling Record (E1-E6), 16 Nov 21 to 1 Apr 22
(4) Advisory opinion by NPC PERS-32, 24 Aug 23

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

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 October 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 (3), a detachment of individual, regular Eval for the reporting period 16 November 2021 to 1 April 2022 which had a 4.43 individual trait average, was signed by the Rater, the Senior Rater, the Reporting Senior (RS), and Petitioner on 31 March 2022. The Eval was accepted by Navy Personnel Command (PERS-32) and entered into Petitioner's official military personnel file (OMPF).

b. Subsequent to the issuance of enclosure (3) and after Petitioner's detachment from the command, the RS signed enclosure (2), a detachment of individual, regular Eval for the reporting period 16 November 2021 to 31 March 2022. The Eval, which reflected a 3.86 individual trait average, contained identical block 43 comments but was not signed by the Rater, the Senior Rater, or Petitioner. Instead, the Rater and Senior Rater signature blocks were annotated with "LEAVE" and Petitioner's signature block indicated "CERTIFIED COPY PROVIDED." This Eval was also accepted by PERS-32 and entered into Petitioner's OMPF.

c. Petitioner contends it is error for two transfer Evals to be in her official military personnel file. Further, she contends the second Evals, enclosure (2), is unjust because it was submitted with a lower trait average and only signed the Commanding Officer/RS despite the ship being on deployment.

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d. The Advisory Opinion (AO) at enclosure (4) noted Petitioner's "file and transfer data" indicates she transferred from the command on 31 March 2022, leading the AO to recommend removal of enclosure (3) because the Eval ending date was not 1 April 2022.

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 analysis but noted removal of enclosure (3), the Eval ending 1 April 2022, would place Petitioner in a less favorable position. Specifically, the Board noted the trait marks and individual trait average of enclosure (2), the Eval ending 31 March 2022, were significantly lower than the initial Eval, enclosure (3). Further, the Board noted Petitioner's signature, as well as the signatures of the reporting chain of command, indicates she was briefed on enclosure (3). In the interest of justice, the Board concluded Petitioner's record, which is currently in error due to the presence of both enclosures (2) and (3), should be corrected by removing enclosure (2), the Eval ending 31 March 2022, which was signed only by the RS, lowered the individual trait average, and was not presented to Petitioner prior to inclusion in her OMPF. Although the Board acknowledged 31 March 2022 is the correct ending date of the detachment Eval, the Board opted to maintain the date in block 15 as "22APR01" to maintain continuity with Petitioner's subsequent Eval because its Period of Report begins From "22APR02."

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the Eval for the reporting period 16 November 2021 to 31 March 2022.

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.

10/16/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]