



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

█
Docket No. 9409-23
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. § 1552
(b) BUPERSINST 1610.10F (EVALMAN)

Encl: (1) DD Form 149 w/attachments
(2) Evaluation Report & Counseling Record for the reporting period 16 November 2021 to 31 October 2022 (Contested Report)
(3) Evaluation Report & Counseling Record for the reporting period 16 November 2021 to 30 June 2022
(4) Evaluation Report & Counseling Record for the reporting period 1 July 2022 to 31 December 2022
(5) Advisory Opinion by Navy Personnel Command memo 1610 PERS-32, 20 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 enclosure (2) be removed.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 14 November 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 record, 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. On 6 January 2023, Navy Personnel Command (PERS-32) received and scanned to the service record Petitioner's Regular/Detachment of Individual evaluation report for the reporting period 16 November 2021 to 31 October 2022. Enclosure (2).

b. On 9 May 2023, PERS-32 received and scanned to the service record Petitioner's Regular/Detachment of Individual evaluation report for the reporting period 16 November 2021 to 30 June 2022. Enclosure (3).

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c. Petitioner was issued a Special evaluation report for the reporting period 1 July 2022 to 31 December 2022. Block 43 of the evaluation report indicated that it was “submitted due to delay in the Navy processing to VTU and IT1 approved for VTU2SELRES program! Member never gained by VTU.” Enclosure (4).

d. Petitioner contends that the near-duplicate evaluations with the same “From” date and different “To” dates have created a negative Continuity Report in her record. Petitioner also contends that this reflects negatively when being considered for promotion to Chief Petty Officer (CPO/E-7). Petitioner contends that the evaluation report at enclosure (2) is incorrect, and claims that she has attempted resolution with her command and with PERS-32, however both evaluation reports are already filed in her official record. Petitioner asserts that removal of the contested evaluation report at enclosure (2) will correct her record by eliminating the overlap of reporting periods, and will also maintain continuity with her subsequent evaluation report at enclosure (4). Enclosure (1).

e. The advisory opinion (AO) furnished by PERS-32 determined that the evaluation report at enclosure (2) is valid. The AO explained that per reference (b), once an evaluation report has been filed in the service record, it may be modified only through an administrative change or the addition of supplementary material. The AO noted that the evaluation report at enclosure (3) was submitted for the purpose of making corrections to block 15 (the “To” date) and to block 43 (Comments on Performance) of the original evaluation report at enclosure (2). The AO determined that changes to the original evaluation report would require a Letter-Supplement and revised evaluation report from the original RS, and recommended Petitioner have the Reporting Senior submit a Letter-Supplement for inclusion with the evaluation reports, instead of removing the contested evaluation report. Enclosure (5).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants relief:

The Board noted that PERS-32 accepted and scanned enclosures (2) through (4) to Petitioner’s service record, and together, they cover a period from 16 November 2021 through 31 December 2022. The Board also noted that the evaluation reports at enclosures (3) and (4), ending 30 June 2022 and 31 December 2022, are valid and, more importantly, provide continuous observation from 16 November 2021 through 31 December 2022.

The Board concurred with the opinion by PERS-32 and the guidance of reference (b), in order to correct the error, however the Board found Petitioner’s arguments persuasive, and determined that that the contested evaluation constitutes a duplicate evaluation and that it causes unnecessary confusion due to overlapping dates during the reporting period. The Board also determined that the inclusion of the contested evaluation has the potential to cause confusion when viewed by promotion boards and/or other selection boards. The Board further determined that removal of the contested evaluation is a better solution, rather than adding a Letter-Supplemental to the near-duplicate evaluation. Therefore, in the interest of justice, the Board concluded that Petitioner’s evaluation at enclosure (2) will be removed.

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RECOMMENDATION

In view of the abovementioned, the Board directs the following corrective action:

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

Petitioner's naval record be corrected by updating her Performance Summary Report to reflect the dates and trait values for the evaluation report at enclosure (3).

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

12/13/2023

