



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

█
Docket No. 164-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, USN, █

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

Encl: (1) DD Form 149 w/attachments
(2) Evaluation Report & Counseling Record for the period 16 Nov 20 to 15 Nov 21
(3) Petitioner Statement in Lieu of Missing Report of 4 Oct 23
(4) NPC memo 1610 PERS-32 of 10 Jan 24

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 his naval record be corrected by modifying the Evaluation Report & Counseling Record (Eval) for the reporting period 16 November 2020 to 15 November 2021 in his official military personnel file (OMPF). Petitioner also requested that his continuity report be annotated to reflect that his command did not issue a separate eval for the reporting period 16 March 2013 to 14 February 2014. Finally, Petitioner requested that the eval for the reporting period 15 February 2014 to 15 December 2015 be removed from his OMPF.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 5 March 2024 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. 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner was issued Periodic/Regular Eval for the reporting period 16 November 2020 to 15 November 2021. See Enclosure (2).

c. On 4 October 2023, Petitioner submitted a statement in lieu (SIL) of missing report for the reporting period 17 March 2013 to 10 February 2014. In his statement, Petitioner indicated the

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report was missing from his official record and that his previous command does not have a copy of the Eval. See Enclosure (3).

d. Petitioner contends that the following corrections should be made to his OMPF for accuracy and so there are less errors he will have to submit to the Chief's Board in the future. First, Petitioner contends for the reporting period 16 March 2013 to 14 February 2014, his previous command did not issue him an eval and therefore it should be annotated on his continuity report. Next, Petitioner contends that for the reporting period 15 February 2014 to 15 December 2015, he was not on active duty or in the reserves so it should not be in his record. Finally, Petitioner contends that the eval for the reporting period 16 November 2020 to 15 November 2021 should end on 30 September 2021 and that it was an administrative oversight by his reserve command.

e. An advisory opinion (AO), from Navy Personnel Command (PERS-32), was furnished for the Board's consideration. The AO noted for the reporting period of 16 March 2013, an SIL of missing report is in Petitioner's official record and no further action is required. In this regard, the AO further noted that the BUPERS On-Line (BOL) continuity report is a tool designed to capture reports that are in the members OMPF to assist with their continuity and that it does not reflect documents/letters pertaining to reports. Next, concerning the reporting period ending on 15 December 2014, the AO also notes that the BOL continuity reflects the missing period due to there being no eval for this period and no further action is required. Finally, concerning the report ending on 15 November 2021, the AO states that they believe Petitioner should have received a Detachment of Individual report ending on 30 September 2021 from Petitioner's previous command vice a Periodic report ending 15 November 2021, and recommended the eval at enclosure (2) be removed from Petitioner's official record. See Enclosure (4).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial corrective action.

The Board substantially concurred with the AO regarding Petitioner's request to modify his BOL continuity report for the reporting periods of 16 March 2013, as well as the period ending 15 December 2014, and determined that no further action was required concerning these requests.

However, in regards to Petitioner's request to modify the eval for the period ending on 15 November 2021, the AO notes they believe Petitioner should have received a Detachment of Individual report ending on 30 September 2021 vice a Periodic eval ending on 15 November 2021 and recommended removal of the eval in its entirety. In this regard, the Board substantially concurred with the AO that the eval should have been a Detachment of Individual report ending on 30 September 2021. However, the Board disagreed with the AO's recommendation to remove the eval in its entirety because the period of report was almost twelve months and felt removal of the report was extreme. Thus, the Board concluded that the "Occasion for Report" should be changed from Block 10 (Periodic) to Block 11 (Detachment of Individual). The Board

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also concluded that the ending date in Block 15 should be changed from 15 November 2021 to 30 September 2021.

RECOMMENDATION

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

Petitioner's naval record be corrected at enclosure (2) by making the following modifications:

Change the Occasion for Report from "Periodic" to "Detachment of Individual" and

Change Block 15 of the Period of Report from "21NOV15" to "21SEP30"

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. 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.

3/21/2024

