



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

█
Docket No. 503-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Evaluation Report & Counseling Record (E1-E6) for reporting period 18 November 2016 to 15 March 2017
(3) Evaluation Report & Counseling Record (E1-E6) for reporting period 18 November 2016 to 17 March 2017
(4) PERS-32 Advisory Opinion, 25 January 2024
(5) NAVPERS 1616/23 dated 13 April 2018

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 removal of the Evaluation Report & Counseling Record (EVAL) for reporting period ending 15 March 2017 at enclosure (2).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 8 February 2024, 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 a periodic, regular, not observed EVAL for the reporting period 18 November 2016 to 15 March 2017. Block 9 reflects the "date reported" as 16 March 2017. See enclosure (2).

c. Petitioner was also issued a special, regular, not observed EVAL for the reporting period 18 November 2016 to 17 March 2017. Block 9 reflects the "date reported" as 16 March 2017. See enclosure (3).

d. Petitioner contends the EVALs at enclosures (2) and (3) are duplicates.

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e. By memorandum of 25 January 2024, PERS-32 issued an advisory opinion (AO) recommending removal of enclosure (2). The EVAL had been previously rejected by PERS-32 and placed in Petitioner's Official Military Personnel File with a memorandum stating the report was rejected because Petitioner was not at the command on the ending date of the report. The EVAL at enclosure (2) was returned to the Reporting Senior (RS) but no response was received. However, the same command and RS submitted enclosure (3) with an ending date of 17 March 2017, covering the same period as the EVAL but with an ending date of 17 March 2017. See enclosures (4) and (5).

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, relying on the AO at enclosure (4), concluded enclosure (2) is in error and should be removed from Petitioner's record.

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 18 November 2016 to 15 March 2017.

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.

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 Regulation, 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.

3/4/2024

