



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 01286-03
29 July 2003

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

Subj: ██████████ ASH, JR., ██████████
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 30 Jan 03 w/attachments
(2) PERS-311 memo dtd 16 May 03
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the original enlisted performance evaluation report for 16 September 2001 to 15 September 2002 and the letter of transmittal forwarding both a supplemental report for the same period and a "Fitrep/Eval Summary Letter," so that the supplemental report will be the only report in his record for the period involved. Copies of the original report, the letter of transmittal, and the supplemental report with the "Fitrep/Eval Summary Letter" are at Tabs A, B and C, respectively.

2. The Board, consisting of Messrs. Pauling, Pfeiffer and Zsalman, reviewed Petitioner's allegations of error and injustice on 24 July 2003, 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, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action. Although the advisory opinion states that the supplemental report and cover letter have been removed, these documents still appear in Petitioner's naval record with the contested original report.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following original enlisted performance evaluation report and related material, including the transmittal letter dated 29 January 2003 and the "Fitrep/Eval Summary Letter" dated 30 January 2003, leaving in the record the supplemental report for the same period:

Date of Report	Reporting Senior	Period From	of	Report To
02Sep27	 Jr., USN	01Sep16		02Sep15

b. That appropriate correction be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

c. That 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.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

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.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
16 May 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED] D. AS [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to remove letter 1610 dated 15 September 2002 and remove his original fitness report for the period 16 September 2001 to 15 September 2002 leaving in his record a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated he did not desire to submit a statement.

b. The report in question is a Periodic/Regular report.

c. The reporting senior has submitted, and we accepted and filed the supplemental report and cover letter. Further review of the supplemental report revealed it was filed in error. There were five members in the summary group; therefore, each member in the summary must have their reports supplemented. The supplemental cover letter was also filed in error as it exceeds the maximum two-page limit. The reporting senior indicated in his cover letter for the supplemental report that necessary modifications to reports on the other members was submitted, we have no record of the remaining reports being supplemented. We have removed the supplemental report and cover letter and returned it to the reporting senior for correction and resubmission.

d. The reporting senior indicated after the original report had been submitted information received justifies submitting the supplemental report.

d. The member proves the report to be unjust.

3. We recommend removal of the original fitness report and replace it with the supplemental report when it has been corrected and resubmitted.



Performance
Evaluation Branch