



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

HD:hd
Docket No. 06149-11
22 August 2011

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 2 Jun 11 w/attachments
(2) PERS-32 memo dtd 28 Jun 11 w/attachment
(3) PERS-811 memo dtd 29 Jun 11 w/attachments and
e-mail dtd 17 Aug 11 w/attachment

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 "special" enlisted performance evaluation report for 19 January to 28 February 2010 (copy at Tab A), so it will not be used in computing his performance mark average (PMA) for advancement.

2. The Board, consisting of Messrs. W. Hicks, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 18 August 2011, 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 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 enclosure (2), the Navy Personnel Command (NPC) office with cognizance over performance evaluations has commented to the effect that the contested evaluation should be removed, and that the evaluation for 1 March to 15 June 2010 (copy at Tab B) should be amended by changing block 14 ("Period of Report - From:") to show

20 January 2010, and changing the DUINS (duty under instruction) entry in block 29, "10MAR01-10MAR24," to include the period 20 January 20 28 February 2010.

c. In enclosure (3), the NPC office with cognizance over enlisted advancements has commented to the effect that Petitioner's PMA for cycle 207 (March 2010 advancement examination) was correct; that the changes to his performance evaluation record recommended in enclosure (2) would raise his PMA for cycle 208 (September 2010 advancement examination) from 3.80 to 4.00 and his final multiple from 123.25 to 139.25, not enough to be advanced; and that those changes would raise his PMA for cycle 211 (March 2011 advancement examination) from 3.80 to 4.00 and his final multiple from 150.47 to 166.97, enough to be advanced, on an as yet undetermined advancement date, without action by this Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and (3), the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the following "special" enlisted performance evaluation report:

Date of Report	Reporting Senior	Period of Report	
		From	To
Undtd	[REDACTED] USN	19Jan10	28Feb10

b. That NO memorandum be entered in place of the report to be removed.

c. That Petitioner's record be corrected further by modifying the enlisted performance evaluation report for 1 March to 15 June 2010, dated 4 June 2010 and signed by Commander [REDACTED] USN, as follows:

- (1) Block 14: Change from "10MAR01" TO "10JAN20"
- (2) Block 29: Change DUINS entry from "10MAR01-10MAR24" to "10JAN20-10MAR24"

d. That the Naval Education and Training, Professional Development and Technology Center be directed to modify Petitioner's data for cycle 208 accordingly to show PMA as 4.00, rather than 3.80, and final multiple as 139.25, rather than 123.25; and modify his data for cycle 211 accordingly to show PMA as 4.00, rather than 3.80, and final multiple as 166.97, rather than 150.47.

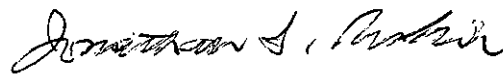
e. That Petitioner be advanced to HM2, when eligible, from cycle 211.

f. 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.


g. 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. 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
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