



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

HD  
Docket No. NR1574-13  
20 June 2013

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 31 Jan 13 w/attachments  
(2) PERS-811 memo dtd 3 Jun 13  
(3) PERS-32 memo dtd 23 May 13  
(4) PERS-803 memo dtd 11 Jun 13

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 adverse enlisted performance evaluation report for 16 September 2010 to 29 April 2011, reimbursing all forfeitures awarded at his nonjudicial punishment (NJP) of 17 May 2011, removing all documentation of the NJP and granting him special consideration for advancement to ENCS (pay grade E-8). The Navy personnel Command (NPC) has removed the contested evaluation; Petitioner may recover his forfeitures by submitting his request for reimbursement to his Personnel Support Detachment; and his record includes no documentation of his NJP.

2. The Board, consisting of Messrs. Lippolis, Marquez and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 27 June 2013, 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), PERS-811, the NPC office with cognizance over enlisted advancements, has deferred to PERS-80 to address the possibility of a special selection board.

c. In enclosure (3), PERS-32, the NPC office with cognizance over performance evaluations, has advised that the contested evaluation has been removed.

d. In enclosure (4), PERS-803, the NPC Enlisted Career Progression Branch, has commented to the effect that Petitioner should be granted a special selection board for the Fiscal Year (FY) 13 Active E-8 Selection Board, as the contested evaluation was in his record for that board.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of enclosure (4), the Board finds the existence of an injustice warranting the following corrective action:

**RECOMMENDATION:**

a. That Petitioner be granted a special selection board for the FY 13 Active Senior Chief Petty Officer (pay grade E-8) Selection Board.

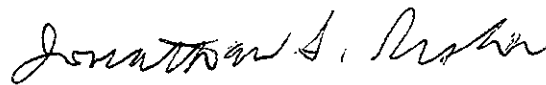
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. 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  
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.

  
for W. DEAN PFEIFFER  
Executive Director