



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

[REDACTED]
Docket No: 3042-16

JUL 31 2017

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

Subj: REVIEW OF NAVAL RECORD

[REDACTED] USN, [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Subject's naval record (excerpts)
(3) NAVPERS 1616/26 dtd 20 Nov 12
(4) NAVPERS 1616/26 dtd 3 Jun 13
(5) BUPERS 00J ltr dtd 8 Jan 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, filed enclosure (1) with this Board requesting the removal of an Evaluation Report and Counseling Record covering the period from 12MAR16 to 12AUG21, from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 May 2017, 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 enclosures (1) through (5), 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. Enclosure (1) was filed in a timely manner.

c. Petitioner received an Evaluation Report and Counseling Record for the period of 16 March 2012 through 21 August 2012 in enclosure (3). The Petitioner contends that enclosure (3) was provided in an erroneous manner since the reporting period overlapped with a posted dated Evaluation Report and Counseling Records.

Subj: REVIEW OF NAVAL RECORD
ICO [REDACTED] USN, [REDACTED]

d. Petitioner received an Evaluation Report and Counseling Record for the period of 12 November 2012 through 3 June 2013 in enclosure (4). This Evaluation Report and Counseling Record has been issued with the accurate reporting period.

e. Enclosure (5), an advisory opinion furnished by the Office of Legal Counsel (BUPERS-00J) states, in part, an administrative error exist with the Petitioner's contested Evaluation Report for the period ending 21 August 2012.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (5), the Board concluded that Petitioner's request warrants relief in the form of removing the contested Evaluation Report ending 21 August 2012. The contended report was provided with an erroneous reporting period of 16 March to 21 August 2012. In this regard, the Board found the evidence provided by the Petitioner as a credible source for approval of Petitioner's claim.

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

RECOMMENDATION:

That Petitioner's naval record be corrected by removing his Evaluation Report and Counseling Record for the period covering 16 March to 21 August 2012 from his OMPF.

That all duplications of Administrative Remarks relating to the topic in dispute be removed from the Petitioner's OMPF.

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.

[REDACTED]
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 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.

[REDACTED]
Executive Director