



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

██████████
Docket No. 3560-16
JUL 20 2017

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) Fitness Report & Counseling Record for the period 31 Oct 09 to 12 Oct 10
(3) BUPERSINST 1610.10C
(4) NPC Memo 1610 PERS-32 dtd 28 Nov 16

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 modifying his evaluation report in the "Promotion Recommendation" section summary block 43 to show 1 vice 3 under "Early Promote" for the reporting period of 31 October 09 to 12 October 10. Enclosures (1) through (4) apply.

2. The Board reviewed Petitioner's allegations of error and injustice on 5 April 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 the enclosures, naval records, and applicable statutes, regulations and policies. In addition, the Board considered enclosure (4) the advisory opinion (AO) furnished by Navy Personnel Command (PERS-32).

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's Fitness Report and Counseling Record for the period 31 October 2009 to 12 October 2010 indicates Block 43 – Summary has a "3" in the Early Promote column.

d. On 20 April 2011, BUPERSINST 1610.10C (Navy Performance Evaluation System) was published. The instruction directs that NAVPERSCOM (PERS-32) will include a rejected performance evaluation in the official record "as is" when a reporting senior or command fails to respond to reject notification after 180 days."

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e. On 3 February 2012, PERS-32 returned the report to the reporting senior for correction; no response was received.

f. On 10 April 2016, the Petitioner's reporting senior for the report in question submitted a fitness report letter-supplement indicating that Block 43 – Summary should indicate a "1" in the Early Promote column.

g. Although PERS-32's AO indicated that the reporting senior's fitness report late letter exceeded the 2-year submission requirement and provided no explanation regarding the late submission, they had no objection to accepting the supplemental letter and revised report if Petitioner's request was approved.

CONCLUSION

Upon review and consideration of all the evidence of record and the advisory opinion, the Board finds the existence of an injustice warranting corrective action. The panel relied heavily on the Petitioner's Official Military Personnel File and Petitioner's reporting senior's fitness report letter-supplement. Furthermore, the Board noted that PERS-32 has no objection to accepting the supplemental letter. The Board concluded that even though the evaluation is a valid report in accordance with enclosure (3), the report ending 12 October 10 should be modified.

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

RECOMMENDATION:

Petitioner's Fitness Report and Counseling Record for the period 31 October 2009 to 12 October 2010 Block 43 – Summary be corrected to indicate a "1" in the Early Promote column.

4. It is certified that 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. The foregoing action of the Board is submitted for your review and action.

[REDACTED]

Executive Director