



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

[REDACTED]  
Docket No: 7273-16  
SEP 12 2017

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 (NR20160007273)  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, an active duty enlisted first class petty officer in the Navy, filed enclosure (1) with this Board requesting the removal of an evaluation for the period of 16 November 2011 through 30 March 2012, and the basis of error and injustice.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 June 2016, 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. Enclosure (1) was filed in a timely manner.

c. Petitioner's evaluation for the period of 16 November 2011 through 30 March 2012, contains a statement in Block 43, Comments on Performance, that reads "Note: (BLK 36) Otherwise superior performance marred by self-reported civilian DUI conviction." Block 36, "Military Bearing/Character" ranks Petitioner as 1.0, "Below Standards."

d. Petitioner requests the removal of the entire evaluation on the basis of the assertion that his previous command at [REDACTED] included legal information which was not adjudicated. As a result, Block 36 was marked 1.0.

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[REDACTED] USN [REDACTED]

e. Petitioner provides a letter from the Ship's Secretary [REDACTED] dated 2 July 2016, that supports the removal of the entire evaluation on the basis of erroneous markings. The letter notes that the legal information was not adjudicated and Petitioner did not receive any legal ramifications from self-reporting. Petitioner's service record does not contain administrative or judicial records pertaining to an alcohol incident during the reporting period covered by the evaluation.

j. The Board, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors, such the letter from the [REDACTED] and Petitioner's own statement that the alcohol incident did not result in judicial or administrative action.

k. The Board decided that the entire evaluation for the period of 16 November 2011 through 30 March 2012, should be removed because Petitioner's service record does not document the incident, the [REDACTED] identifies an error and supports the removal and because Petitioner's statement that the alcohol incident did not result in a conviction or administrative action.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

In this regard, the Board notes Petitioner's service record does not contain documentation about administrative or judicial action for an alcohol incident in the period of 16 November 2011 to 30 March 2012, and concludes that that relief in the form of the removal of the evaluation is warranted. In view of the above, the Board directs the following corrective action.

#### RECOMMENDATION:

That Petitioner's naval record be corrected to remove the evaluation for the period of 16 November 2011 to 30 March 2012, from Petitioner's record. It is further directed that an administrative continuation report is placed in Petitioner's record to cover the period of 16 November 2011 to 30 March 2012.

That a copy of this report of proceedings not be filed in Petitioner's naval record.

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 10 August 2016.

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

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[REDACTED] USN [REDACTED]

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