



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

[REDACTED]
Docket No: 0390-17
DEC 26 2017

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

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

Ref: (a) 10 U.S.C. § 1552
(b) BUPERSINST 1610.10D

Encl: (1) DD Form 149
(2) Fitness Report (FITREP) for the period 20141101 to 20150527
(3) NPC PERS-32 Memo of 17 Oct 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, filed enclosure (1) with this Board requesting that his naval record be corrected by revising his fitness report (FITREP) covering the period 1 November 2014 to 27 May 2015. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 November 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, relevant portions of the Petitioner's naval records and applicable statutes, regulations and policies. In addition, the Board considered the action taken by Navy Personnel Command (PERS-32) Memorandum dated 17 October 2017.

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. The record reflects that the Petitioner was issued a Detachment of Reporting Senior/Regular FITREP for the reporting period 1 November 2014 to 27 May 2015. See enclosure (2).

c. The Petitioner contends that the FITREP was unjustly given because of his pending voluntary resignation and block 41 comments regarding a member's resignation violates ref (b).

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d. Enclosure (3) states in part, that the reporting senior's comments in block 41, that the Petitioner's decline in trait grade was only due to his pending resignation. Per ref (b), prohibited comments does not allow the reporting senior to comment on submission or withdrawal of a member's resignation under honorable circumstances.

CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of enclosure (3), that the Petitioner's requests warrants favorable action. In this regard, the Board concludes that the FITREP covering the period 1 November 2014 to 27 May 2015 should be removed from the Petitioner's OMPF and replaced with a memorandum of continuity.

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

RECOMMENDATION:

That Petitioner's naval record be corrected by removing therefrom the following officer fitness report and related material.

Date of report
20150516

Reporting senior
[REDACTED]

Period of report
From: 20141101 to 20150527

That there be inserted in the Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not form any opinions or draw any inferences as to the nature of the report.

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