



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

█
Docket No. 259-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report & Counseling Record (W2-O6), 1 Nov 21 to 31 Aug 22
(3) Fitness Report & Counseling Record (W2-O6), 1 Nov 21 to 31 Aug 22
(4) Commander, SOCPAC, 1401 J00 Memo, subj: Letter to the Board ICO [Petitioner],
16 Oct 23
(5) PERS-32 Advisory Opinion, 9 Jan 24
(6) Petitioner's e-mailed rebuttal, 18 Jan 24

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting removal of the Fitness Report & Counseling Record (FITREP) for the reporting period 1 November 2021 to 31 August 2022 at enclosure (2) and replacement with the corrected FITREP at enclosure (3).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 25 April 2024, and pursuant to its regulations, determined 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 Petitioner's 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued a Special FITREP for the reporting period ending 31 August 2022 by Reporting Senior (RS) █. The FITREP was submitted on the occasion of Petitioner's promotion to Commander. Petitioner signed the FITREP and indicated he did not intend to submit a statement. See enclosure (2).

c. Petitioner contends the FITREP at enclosure (2) should be removed and replaced with enclosure (3), a FITREP for the same reporting period issued by Commander, █. In a letter written to the President of the

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[REDACTED] Command Screen Board, [REDACTED] explains that [REDACTED], at the time of Petitioner's closeout FITREP, was "changing how Navy Element FITREPs were ranked and signed." Petitioner's FITREP was "mistakenly submitted and signed by the retiring Supply Officer" sending "the wrong message to the board." [REDACTED] explains to [REDACTED] Command Screen Board that "[t]he correct report reflects his strong leadership performance and competence which I further amplified during the most recent periodic and his detaching FITREP." See enclosures (1) and (4).

d. By memorandum of 9 January 2024, PERS-32 issued an advisory opinion (AO) recommending Petitioner's record remain unchanged "unless directed by BCNR." In making its recommendation, PERS-32 notes Petitioner did not provide any documents stating [REDACTED] was the correct RS for the reporting period, and PERS-32 "has no authority or purview on deciding who the RS was during that time period." See enclosure (5).

e. In his rebuttal to enclosure (5), Petitioner provides a statement explaining the background facts and, as supporting documentation, and provides enclosure (4), the letter from Commander, [REDACTED] to the President of the [REDACTED] Command Screen Board. See enclosure (6).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board relied on enclosure (5) for its determination that Rear Admiral JBW was the correct RS for the reporting period. Therefore, the Board concluded enclosure (2) should be removed from Petitioner's naval record and be replaced by enclosure (3).

RECOMMENDATION

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

Upon PERS-32's receipt of the replacement FITREP at enclosure (3) from [REDACTED], Petitioner's naval record be corrected by removing enclosure (2) and replacing it with enclosure (3), the corrected FITREP submitted by [REDACTED].

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.

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.

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

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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.

5/20/2024

