



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

██████████
Docket No. 5076-24
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) Title 10 U.S.C. § 1552
(b) BUPERSINST 1610.10F

Encl: (1) DD Form 149 w/attachments
(2) Evaluation Report & Counseling Record for the period 16 Mar 16 to 15 Mar 17
(3) CO, ██████████ Letter of Extension of 18 Apr 17
(4) Evaluation Report & Counseling Record for the period 16 Mar 17 to 19 May 17
(5) NPC memo 1610 PERS-32 of 8 May 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 that his naval record be corrected by removing enclosure (4), the Evaluation Report & Counseling Record (Eval) for the reporting period 16 March 2017 to 19 May 2017 from his official military personnel file (OMPF).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 18 June 2024 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 Petitioner's naval records, and applicable statutes, regulations, and policies. Additionally, the Board considered enclosure (5), an advisory opinion from Navy Personnel Command. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner was issued Periodic/Regular Eval for the reporting period 16 March 2016 to 15 March 2017. On 18 April 2017, his Commanding Officer submitted a Letter of Extension-

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XXX-XX ██████████

Supplement to modify the Eval at enclosure (2), for several elements of the report including the end date of the reporting period. See Enclosures (2) and (3).

c. Petitioner was issued Periodic/Regular Eval for the reporting period 16 March 2017 to 19 May 2017. See Enclosure (4).

d. Petitioner contends that he was notified the Eval ending on 19 May 2017 would not be submitted to his official record and that it was for administrative counseling purposes at the time. He further asserts that prior to signing the Eval at enclosure (4), he received a periodic Eval and a letter of extension, as he was due to transfer in the coming months. He contends the contested Eval at enclosure (4) was erroneously placed into his official record.

e. An AO from Navy Personnel Command (PERS-32) recommended that Petitioner's request to remove the contested evaluation report be denied, but that the letter extension be removed from his official record. The AO noted, pursuant with reference (b), it allows the reporting senior (RS) to provide specific comments when they are a significant part of the member's duties or displays particularly strong or weak performance. In this case, the RS stated Petitioner failed to report obvious discrepancies and damage to Field Support airfield equipment causing numerous obstacles and lengthy repairs. The AO further notes, although an extension letter was also given during the same period as the report in question, the evaluation report takes priority over the extension letter and should be removed. See Enclosure (5).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial corrective action. Specifically, the Board determined that the letter of extension at enclosure (3) shall be removed based on the validity of enclosure (4), the evaluation report in question.

In making its findings, the Board substantially concurred with the AO. In this regard, the Board concurred with PERS-32 recommendation that the evaluation report is valid. Further, the Board noted Petitioner signed the report acknowledging the contents of the report and the right to submit a statement. The Board determined Petitioner provided insufficient evidence that the evaluation report was erroneously submitted to his official record and was not persuaded by his contention that it was improperly used as a counseling tool. Thus, the Board concluded that the evaluation report at enclosure (4) shall remain in his official record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (3).

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

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be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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 Regulations, 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.

6/28/2024

