



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

█
Docket No. 5896-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 6110.1J
(c) BUPERSINST 1610.10D (EVALMAN)

Encl: (1) DD Form 149 w/attachments
(2) Performance Summary Record, dated 4 Jun 24
(3) Fitness report for the reporting period 16 Nov 18 to 15 Nov 19
(4) █ ltr 1610 █, dated 16 Feb 20, Statement to the Record
(5) CO, █ ltr 1610 █, dated 24 Jul 20,
Evaluation Report Letter-Supplemental
(6) BCNR ltr Docket No. 1317-24, dated 21 Mar 24
(7) NPC memo 1610 PERS-32, dated 31 May 24

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to correct enclosure (2).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 30 July 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.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Further, 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. The Board made the following findings:

a. Petitioner received a Periodic/Regular evaluation report for the reporting period 16 November 2018 to 15 November 2019. Block 20 "Physical Readiness" was annotated "FPP" indicating Petitioner failed cycle 18-2 Physical Fitness Assessment (PFA). Enclosure (3).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR, XXX-XX-[REDACTED]

b. In a statement regarding block 20 of his evaluation report, Petitioner noted that he was engaged in underway logistics and there was no military detachment onboard the [REDACTED]. Petitioner also noted that he received "Authorized Absence" from drill periods, and reference (b) authorizes non-participation if the member is in an isolated duty status. Enclosure (4).

c. In correspondence dated 24 July 2020, Petitioner's Reporting Senior (RS), the Commanding Officer (CO), Board of Inspection and Survey Support Unit, submitted a Letter-Supplement to Navy Personnel Command (NPC) PERS-32 documenting a change to the Physical Readiness results from "FPP" to "NPP". Petitioner's CO indicated that Petitioner did not have the opportunity to participate in the 2018 Cycle 2 PFA, and "his PRIMS record has been corrected to document a "Nonparticipant" for PFA 2018 Cycle 2." Enclosure (5).

d. In his petition, Petitioner contends the original evaluation report included an erroneous PFA Failure in block 20, which was corrected via the CO's Letter-Supplement. However, the Performance Summary Report (PSR) continues to show "FPP" indicating a PFA failure. While PERS has stated the Letter-Supplement administratively corrects block 20 on the evaluation without affecting the PSR, the PSR is presented to promotion boards with the block still containing an "F" for failure. Correcting the PSR would remove the perception of a failed PFA before selection boards. Petitioner cited enclosure (6), in which the Board determined that retention of the failed PRT on Petitioner's PSR could be perceived as negative before selection boards. Enclosure (1).

e. In a memorandum dated 31 May 2024, the NPC (PERS-32) provided an advisory opinion (AO) for the Board's consideration recommending the Board take no further action. The AO explained that according to reference (c) supplemental material does not replace the original report on the member's official record nor does it change the information on the members PSR; it only supplements the original report. A notation on Petitioner's PSR already indicates that supplementary material has been placed in the image file. The AO determined that the RS properly submitted a Letter-Supplement that made corrections to the original report and the Letter-Supplement was processed to Petitioner's official record as required. The AO concluded that modifications to the original fitness report or PSR are not required because the error was corrected by the RS's submission of the Letter-Supplement. Enclosure (7).

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found sufficient evidence of an injustice and determined that Petitioner's request warrants corrective action.

In this regard, the Board substantially concurred with the AO that the contested error was corrected by the RS's submission of the Letter-Supplement in accordance with reference (c). The Board, however, found that Petitioner's contention regarding the perception of a failed PFA has merit. The Board determined that retention of the failed PFA on Petitioner's PSR could be perceived as negative before selection boards. Therefore, the "FPP" on his PSR should be changed to "NPP" purely as a matter of injustice.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR, XXX-XX-[REDACTED]

RECOMMENDATION

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

Petitioner's naval record be corrected by modifying enclosure (2) by changing the PRT for dates "111618 to 120719" to "NPP".

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.

8/14/2024

