



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

[REDACTED]  
Docket No. 6369-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR,  
[REDACTED]

Ref: (a) 10 U.S.C. § 1552  
(b) BCNR Docket No. 8641-23

Encl: (1) DD Form 149 w/enclosures  
(2) Evaluation & Counseling Record (E1-E6) for the reporting period 16 November 2021 to 15 November 2022  
(3) BCNR JMP Docket No. 8641-23 letter, 1 March 2024

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 Evaluation & Counseling Record (EVAL) at enclosure (2),

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 August 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. The contested EVAL at enclosure (2) was a periodic report covering 16 November 2021 to 15 November 2022 with an individual trait average (ITA) of 3.00 and a "Promotable" promotion recommendation. Due to the promotion recommendation declining from "Early Promote" in the preceding reporting period to "Promotable" in the contested report, Petitioner elected to submit a statement. In her statement, Petitioner noted the preceding periodic EVAL, by the same Reporting Senior (RS), captured an "Early Promote" promotion recommendation, a soft breakout of 1 of 29 and hard breakout of 1 of 4, and an annotation that had the RS not been establishing his Reporting Senior Cumulative Average, Petitioner would have received an ITA of 4.71. Petitioner noted the EVAL was adverse due to the decline in promotion recommendation without justification in block 43. See enclosure (2).

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c. In response to Petitioner's EVAL statement, the RS, Commanding Officer (CO), Navy Reserve Center, [REDACTED], [REDACTED] submitted a statement for inclusion alongside the EVAL in Petitioner's Official Military Personnel File. In his statement, the RS states the ITA and promotion recommendation were based on Petitioner's "drastic decline in performance" and removal from her position as Leading Petty Officer and within the Command Managed Equal Opportunity program after she "lost the trust of the [CO]" because she abused the appointed positions. Further, the RS noted Petitioner had "an abrasive leadership style," was "difficult to work with," and "failed to honestly self-assess and assure her Medical Department passed inspection." Additionally, the RS stated Petitioner was "investigated/counselled for sharing PHI with unauthorized personnel, whom then released said PHI to other personnel whom did not have a need to know." In closing, the RS stated Petitioner "should not be assigned to leadership positions." See enclosure (2).

d. On 12 October 2023, Petitioner submitted reference (b) requesting removal of enclosure (2) and requesting a Special Selection Board to consider her for selection to Chief Petty Officer. The Board noted the RS was required to justify the decline from "Early Promote" to "Promotable" but, although he neglected to justify the decline in block 43 of the EVAL, the RS's statement in response to Petitioner's statement fulfilled the requirement and provided sufficient justification for the decline in promotion recommendation. The Board further noted the evidence submitted in support of Petitioner's contentions regarding the work environment was insufficient to overcome the presumption the RS accurately described her "drastic decline in performance" in his detailed responsive statement. Lastly, the Board determined there was insufficient evidence to conclude Petitioner was the victim of retaliation. See enclosure (3)

e. In the current submission at enclosure (1), Petitioner contends the contested EVAL is in error because she "was wronged" by the CO/RS. She also contends the adverse EVAL was written in retaliation because the CO lost his promotion after she "used [her] CMEO rights to file a congressional." Petitioner contends she was given death threats, fired from all her duties, sent temporary additional duty for her safety, and continues to be subject to a CO whose "intentions are to damage [her] career till this day" and who abuses his rank. In her timeline, Petitioner noted several additional contentions regarding the Senior Enlisted Leader, the CO's abuse of the EVAL writing system in an effort to retaliate against her, and the CO's continued efforts "to dehumanize [her] to [her] new CO" and "set [her] up for failure." In support of her contentions, Petitioner submitted, among other documents, e-mails between herself and the CO/RS and an alleged recorded phone conversation between herself and the CO/RS. See enclosure (1).

## 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 found no error in the previous Board's denial of Petitioner's request to remove the contested EVAL. Specifically, the Board noted it was not error for the RS's justification for the decline in promotion recommendation to be written in his responsive statement vice block 43 of the EVAL. However, the current Board determined the new evidence, specifically the e-mail discussions between Petitioner and the RS, confirm the unhealthy and hostile work environment that existed at the command and specifically toward the Petitioner. Comparing the preceding periodic EVAL -- where Petitioner was a 4.71, "Early

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Promote,” #1 of 29 first class petty officers, and “already performing as a seasoned chief – to the contested EVAL, the Board concluded it was evident the work environment was the reason for the decline in performance. Further, by his own comments in the e-mails, the RS confirms the work environment was unsafe, unhealthy, and unwelcoming, rising to a level where he provided Petitioner alternative working arrangements to include telework and working from another Navy location so she could “be happy, safe, and able to return to work.” The Board determined the new evidence reflects an injustice that warrants relief.

#### RECOMMENDATION

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

Petitioner’s naval record be corrected by removing enclosure (2), the EVAL for the reporting period 16 November 2021 to 15 November 2022.

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 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.

9/20/2024

