



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

[REDACTED]
Docket No. 7003-24
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/enclosures
(2) Evaluation Report & Counseling Record, 16 Mar 23 to 29 Sep 23
(3) Advisory Opinion by NPC (PERS-32), 11 Jul 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 Evaluation Report & Counseling Record (EVAL) for the reporting period 16 March 2023 to 29 September 2023.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 July 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 Detachment of Individual/Regular EVAL at enclosure (2) was submitted upon Petitioner's transfer within the command.

c. Petitioner contends the EVAL should be removed because, in accordance with reference (b), his transfer within the local squadron, without a change in his Reporting Senior (RS), did not require an EVAL. Further, Petitioner also received a Periodic/Regular EVAL for the period 16 March 2023 to 15 November 2023. Enclosure (1).

d. By memorandum of 11 July 2024, PERS-32 issued an advisory opinion (AO) recommending the EVAL be removed from Petitioner's record because reference (b) states a

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report should not be submitted if the member transfers from one unit identification code or command to another and does not change RS. Enclosure (3).

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, relying on enclosure (3), concluded the contested EVAL should be removed from Petitioner's record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the Detachment of Individual EVAL for the reporting period 16 March 2023 to 29 September 2023.

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.

