



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

██████████  
Docket No. 7340-24  
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) for the reporting period 28 April 2023 to 2 April 2024  
(3) Fitness Report & Counseling Record (W2-O6) for the reporting period 3 April 2023 to 17 May 2024  
(4) Commander, Strategic Communications ██████████, Set Aside of NJP, 6 June 2024  
(5) Bureau of Naval Personnel, Millington (BUPERS-00J), 13 June 2024  
(6) Advisory Opinion by Navy Personnel Command (PERS 32), 19 July 2024  
(7) Reporting Senior's Letter-Supplement, 30 July 2024

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 removal of enclosure (2), the Fitness Report & Counseling Record (FITREP) for the reporting period 28 April 2023 to 2 April 2024 and modification<sup>1</sup> of enclosure (3), the FITREP for the reporting period 3 April 2023 to 17 May 2024.

2. The Board, consisting of ██████████, ██████████, and ██████████ 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 FITREP at enclosure (2) was a Special/Regular report submitted upon Petitioner being awarded nonjudicial punishment (NJP) on 22 February 2024.

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<sup>1</sup> On his DD Form 149, Petitioner requested removal of the FITREP at enclosure (3) but, through his rebuttal to the Advisory Opinion, he changed the requested relief to modification of the FITREP through the use of a Letter-Supplement.

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c. By memorandum of 6 June 2024, [REDACTED], the NJP authority, set aside the NJP and restored all rights, privileges, and property affected by virtue of execution of the punishment. Additionally, in his memorandum to Bureau of Naval Personnel, Millington (BUPERS-00J), the Commander requested<sup>2</sup> removal of all reference to the set aside NJP from Petitioner's official record and all required restorative action. Enclosure (4).

d. Petitioner contends removal of enclosure (2) is required due to the set aside of his NJP and removal<sup>3</sup> of enclosure (3) is necessary due to the dates of the report being incorrect.

e. Navy Personnel Command (PERS 32) provided the Advisory Opinion (AO) at enclosure (6) which recommends removal of the FITREP ending 2 April 2024 but does not recommend action regarding the FITREP ending 17 May 2024. Specifically, PERS-32 notes the FITREP at enclosure (3) is not adverse and does not mention or reference the NJP.

f. In response to the PERS-32 AO, Petitioner provided an endorsement from the Reporting Senior (RS) in the form of a Letter-Supplement dated 30 July 2024. In the Letter-Supplement, the RS identifies the original FITREP as being a periodic report for the reporting period 3 April 2023 to 31 May 2024. Further, the RS requests the FITREP be changed to a "Detachment of Reporting Senior" report for the reporting period 28 April 2023 to 17 May 2024. The RS also requests significant modifications to blocks 29, 33, and 36 of the FITREP. Enclosure (7).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief. Relying on enclosures (4) and (5) and the AO at enclosure (6), the Board determined the FITREP ending 2 April 2024 was in error and requires removal.

Additionally, the Board noted the RS's desire to modify the FITREP at enclosure (3) but noted the Letter-Supplement at enclosure (7) does not identify a report that is currently in Petitioner's official record. Specifically, the Letter-Supplement identifies the original report as a periodic report for the reporting period 3 April 2023 to 31 May 2024. The Board noted this specified report is not part of Petitioner's record. However, the Board acknowledges the RS's desire to make modifications to the FITREP that remains in Petitioner's record and, rather than direct specific action be taken in the form of changes or inclusion of the Letter-Supplement in Petitioner's record, the Board recommends the RS be allowed to work directly with PERS-32 to provide the needed FITREP and/or Letter-Supplement that accurately reflects Petitioner's performance during the reporting period.

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<sup>2</sup> As noted in enclosure (5), the response from BUPERS-00J to the Commander's request, as of 13 June 2024, there were no documents in Petitioner's record requiring removal.

<sup>3</sup> Petitioner's initial submission does not specifically address the reasons he contends enclosure (3) should be removed. However, his response to the AO stated the dates were incorrect and "[t]he plan was to replace it with a new fitness report with corrected dates and a higher performance trait mark."

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XXX-XX [REDACTED]

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the FITREP for the reporting period 28 April 2023 to 2 April 2024.

PERS-32 coordinate with the RS to ensure Petitioner's performance is properly reported in his official record.

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.

That no further changes be made to Petitioner's naval record.

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.

9/19/2024

