



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

[REDACTED]
Docket No. 2052-25
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/enclosures
(2) Evaluation report for the reporting period 29 January 2021 to 15 November 2021
(3) Evaluation report for the reporting period 16 November 2021 to 15 November 2022
(4) Evaluation report for the reporting period 16 November 2022 to 15 November 2023
(5) [REDACTED] mail, subj: Respectfully Requesting Correction of EVAL Record,
22 Oct 24
(6) Petitioner email, subj: Respectfully Requesting Correction of EVAL Record,
19 Oct 24
(7) [REDACTED] r, subj: Letter of Explanation, 16 Nov 24
(8) NPC memo 1610 PERS-32, subj: [Petitioner], 11 Mar 25

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 correction of his evaluation reports for the reporting periods 16 November 2021 to 15 November 2022 and 16 November 2022 to 15 November 2023.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 July 2025 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. The Board also considered enclosure (8), an advisory opinion (AO) from PERS-32. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

3. Before applying to this Board, Petitioner has not exhausted all administrative remedies available under existing law and regulations within the Department of the Navy regarding his request to correct his evaluation reports. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. Petitioner received a Periodic/Regular evaluation report for the reporting period 29 January 2021 to 15 November 2021. Petitioner's promotion recommendation was marked

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

“Early Promote” in a summary group of 11 Sailors. Petitioner acknowledged the evaluation report and indicated that he had no intent to submit a statement. Enclosure (2).

b. Petitioner received a Periodic/Regular evaluation report for the reporting period 16 November 2021 to 15 November 2022. Block 34 and 36 performance traits were marked 3.0. The same performance traits were marked 4.0 during the previous reporting period. Petitioner’s promotion recommendation was marked “Must Promote” in a summary group of 13 Sailors. Block 51, signature of individual evaluated, was annotated “CERTIFIED COPY PROVIDED.” Enclosure (3).

c. Petitioner received a Periodic/Regular evaluation report for the reporting period 16 November 2022 to 15 November 2023. Petitioner’s promotion recommendation was marked “Must Promote” in a summary group of 12 Sailors. In block 43 the Reporting Senior (RS) included the statement, “***[Petitioner] Would Be My #4 EP If It Were Possible!***” Block 51, signature of individual evaluated, was annotated “CERTIFIED COPY PROVIDED.” Enclosure (4).

d. In an email dated 19 October 2024, Petitioner submitted a list of proposed discrepancies with enclosures (3) and (4) to his RS. On 22 October 2024, Petitioner’s RS responded by reminding him of their in-person discussion prior to his evaluation being finalized; where the RS explained several factors that influenced the outcome of his evaluation. The RS explained that despite his hands being tied due to the Forced Distribution system, the return of more senior E6s from mobilization, and the addition of cross-assigned Sailors to the summary group, he did everything possible to ensure Petitioner’s evaluation report portrayed him as the excellent Sailor that he is. The RS also explained that the claim that another officer signed cross-assigned Sailors’ EVALs to split the summary group to allow more Sailors to receive EPs was false. The RS went on to address Petitioner’s concerns regarding his surface warfare qualification and made it clear that no changes to his evaluation would be made regarding raising his performance or promotion traits. In conclusion, the RS informed Petitioner that the evaluation was not adverse and it was a fair and accurate assessment of his performance. Enclosures (5) and (6).

e. In a memorandum dated 9 March 2024, the Commanding Officer, [REDACTED] Naval Shipyard [REDACTED], notified Petitioner that the former commanding officer was relieved due to a loss in confidence. Petitioner was informed that evaluation practices could have inadvertently negatively impacted careers of Sailors. In his case, they noted that other members appear to be missing from the summary groups in 2022 and 2023 periodic evaluations, performance traits decreased in the evaluation report ending 15 November 2022 without comments justifying the decline, which qualifies under the “Adverse Recommendation & Comments” section of reference (b).

f. The advisory opinion (AO) provided by PERS-32 for the Board consideration recommended that the Board determine whether corrections are necessary. According to reference (b), after an evaluation has been filed in the official record, it may be modified only through an administrative change or supplement material. The AO determined that the corrections to the evaluation reports ending 15 November 2022 and 15 November 2023 are administrative and can be corrected with an administrative change letter. The AO provided the

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

definition of a declining report and noted that a change in promotion recommendation caused by forced distribution is not considered a decline in performance or an adverse report. The AO explained that the report ending 15 November 2022 is the only declining report in question and the RS did not justify whether the decline was due to performance or due to force distribution. The AO referenced enclosure (6), an email, in which the RS provided reasons for not making changes to the reports and provides justification for the performance traits and promotion recommendation. The AO also noted in both evaluations that block 41 reflects "ENC and LPO" as recommendations, block 43 contains no adverse comments, and the RS made recommendations for chief. Enclosures (3) and (4).

g. In his application, Petitioner contends that the contents of the evaluation reports do not accurately reflect his sustained superior performance which limits his ability to promote. He also contends the summary group was incorrectly split and the distribution of promotion recommendations is inaccurate. Petitioner claims the warfare qualification should be "SW," the evaluation report ending 15 November 2022 declined, and it qualifies under reference (b) under "adverse recommendations and comments." Petitioner also claims he was not informed that he was receiving an adverse evaluation, the commanding officer that signed the evaluations was relieved due to a loss of confidence, and a records scrub by his existing chain of command has brought to attention that many records from the prior commanding officer's tenure have errors and do not meet the requirements of reference (b). Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief.

Specifically, regarding the decline in Petitioner's evaluation report ending 15 November 2022, the Board determined that Petitioner's contention has merit. In this regard, the Board noted that Petitioner's evaluation report contains two declining performance traits. According to reference (b), the evaluation report in enclosure (3) is considered declining. The Board considered the email from Petitioner's RS and opined that the RS clearly explained that the decline in performance traits and the promotion recommendation was due to forced distribution. However, the RS failed to include the required forced distribution comment block 43. Accordingly, the Board determined that enclosure (3) requires modification.

Notwithstanding the Board's determination that an error exists with enclosure (3), the Board determined enclosure (4) is valid as written and filed in accordance with reference (b). In making this finding, the Board concurred with the rationale provided in the AO. Additionally, the Board noted that the RS, in enclosure (6), addressed each issue raised by Petitioner. Moreover, the Board found no evidence to support Petitioner's contention that another officer outside the chain of command signed evaluations that should have been in the summary group and he provided none.

Finally, the Board noted that the requested corrections to Petitioner's surface warfare qualification is administrative in nature and requires an administrative change request. The Board concluded that Petitioner has not yet exhausted his administrative remedies by submitting

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

an administrative change request to PERS-32. Therefore, the Board took no action related to that aspect of his request.

RECOMMENDATION

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

Petitioner's naval record be corrected by modifying enclosure (3), Petitioner's evaluation report for the reporting period 16 November 2021 to 15 November 2022 by including the statement in block 43:

"This evaluation report is declining due to force distribution."

No other changes 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.

8/11/2025

