



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████  
Docket No. 5100-25

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  
(b) BUPERSINST 1610.10F (EVALMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) NAVPERS 1616/26, Evaluation & Counseling Record (E1-E6), 25 May 21  
(3) Advisory Opinion of 22 May 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 that his naval record be corrected by removing enclosure (2).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 18 February 2026, 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. Additionally, the Board considered enclosure (3), an advisory opinion (AO) furnished by Navy Personnel Command. The AO was considered favorable toward Petitioner.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Additionally, 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 his case on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds the following:

a. Petitioner was issued an Evaluation Report & Counseling Record (E1-E6), covering the period of 16 November 2020 to 19 March 2021, wherein Section 43 comments indicate he was awarded non-judicial punishment (NJP) on 19 March 2021.

b. The Reporting Senior (RS) signed the enclosure (2) on 19 March 2021.

c. In Section 43, Comments on Performance, in enclosure (2) indicate the NJP concluded on 24 March 2021.

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USN, XXX-XX [REDACTED]

d. Petitioner contends the enclosure (2) is invalid pursuant to reference (b), which states, in summary, if NJP proceedings are referred to in an evaluation, the RS signature date must not be earlier than the concluding date of the NJP.

e. As part of the Board's review, the Board considered enclosure (3). The AO states that the evaluation is invalid, per reference (b), because the RS signature due precedes the concluding date of the NJP. The AO concludes by recommending that relief be granted.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. The Board concurred with the AO that the evaluation violates reference (b) and, therefore, requires removal from Petitioner's OMPF.

#### RECOMMENDATION

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

That Petitioner's naval record be corrected by removing enclosure (2).

That any other 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. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

3/4/2026

