



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07603-02
13 December 2002

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

Subj: SKC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 5 Mar 02 w/attachments
(2) PERS-40HH memo dtd 1 Nov 02
(3) PERS-832B memo dtd 20 Nov 02
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing his request dated 12 August 1985 for reassignment for humanitarian reasons "and all personal information involving this package." Copies of pertinent documents appearing in Petitioner's official microfiche record are at Tab A.

2. The Board, consisting of Messrs. Grover, Neuschafer and Pauling, reviewed Petitioner's allegations of error and injustice on 12 December 2002, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), PERS-40HH, the Navy Personnel Command (NPC) office having cognizance over the subject matter addressed in Petitioner's application, has commented to the effect that his request has merit and warrants favorable action.

c. In correspondence attached as enclosure (3), PERS-832B, the NPC office having cognizance over enlisted performance, has commented to the effect that they have nothing to do with humanitarian reassignment, but they concur with enclosure (2).

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing all reference to his request dated 12 August 1985 for humanitarian reassignment.

b. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

c. That 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.

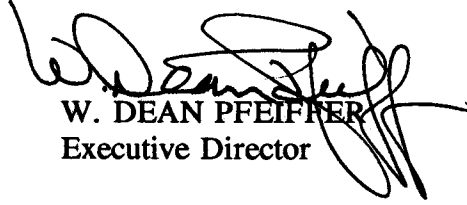
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

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 Regulations, 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.



W. DEAN PFEIFFER
Executive Director

01 Nov 02

MEMORANDUM FOR ASSISTANT FOR BCNR MATTERS (PERS-00ZCB)

Subj: COMMENTS, AND RECOMMENDATIONS IN CASE OF SK1
[REDACTED] USN

Ref: (a) BCNR File 07603-02 w/service record
(b) Enlisted Transfer Manual Chapter 16

1. In response to reference (a) and in accordance with reference (b) the humanitarian reassignment information should be removed from subject named member's microfiche record. In view of the fact that the humanitarian reassignment was never executed it should not have been filed in the field service record or the microfiche.

[REDACTED]

PNCS (SW) USN
PERS-40HH



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7603-02

5420
PERS-832B
20 Nov 02

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: SN [REDACTED]

Ref: (a) PERS 40HH memo of 1 Nov 02

Encl: (1) BCNR File 07603-02
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.

2. Although this office has nothing to do with Humanitarian Reassignment, I concur with reference (a). Therefore, favorable action on this petition is recommended.

[REDACTED]

Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)