



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

HD:hd  
Docket No: 03457-03  
7 October 2003

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

Subj: AK1 [REDACTED] B, JR., USN [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 4 Apr 03 w/attachments  
(2) PERS-311 memo dtd 8 Sep 03  
(3) 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 the enlisted performance evaluation report for 11 September to 15 November 2001, leaving in his record the report for 11 September 2001 to 6 May 2002. Copies of these reports are at Tabs A and B, respectively.

2. The Board, consisting of Mses. Gilbert and Schnittman and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 2 October 2003, 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), the Navy Personnel Command 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.

**CONCLUSION:**

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

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected by removing therefrom the following enlisted performance evaluation report and related material:

Date of Report	Reporting Senior	Period of Report	
		From	To
4 Jan 02	<del>ED [REDACTED]</del> , USN	11 Sep 01	15 Nov 01

b. That NO memorandum be filed in place of the removed report, as the report for 11 September 2001 to 6 May 2002 makes it unnecessary for continuity.


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

d. 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.


e. 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



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

1610  
PERS-311  
8 September 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

Subj: <sup>A 2001</sup> SK1 (AY) [REDACTED], IR., USN [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 11 September 2001 to 15 November 2001 leaving in his record a report for the period 11 September 2001 to 6 May 2002.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The member signed both reports acknowledging the contents of each and his right to submit a statement. The member did not desire to submit a statement.

b. The report in question is a Periodic/NOB/Regular report.

c. Further review of the member's headquarters record revealed he transferred from COMPATRECONFORPAC on 6 May 2002. Reference (a), Annex D, paragraph D-4 states; "**Omission of Periodic Report.** If the member received an Observed Regular report ending no more than three months prior to the Periodic report date, the Periodic report may be omitted. If omitted, include the period in the next Regular report". Reference (a), Annex G, states observed reports are desired if any fair and meaningful evaluation or recommendation can be made.

d. The member proves the report to be unjust.