



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

HD:hd
Docket No. 10301-09
3 November 2009

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 14 Sep 09 w/attachments
(2) PERS-32 memo dtd 22 Sep 09
(3) PERS-811 memo dtd 23 Sep 09
(4) Subject's ltr dtd 13 Oct 09

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 16 June 2007 to 15 June 2008 (copy at Tab A) and the service record page 13 ("Administrative Remarks") entries dated 25 February and 17 June 2008 (copies at Tab B); and advancing her to SK2 (pay grade E-5).

2. The Board, consisting of Messrs. Ivins, Vogt and Zsalman, reviewed Petitioner's allegations of error and injustice on 29 October 2009, 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, 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 enclosure (2), PERS-32, the Navy Personnel Command (NPC) office having cognizance over performance evaluations, has

commented to the effect Petitioner's request to remove the contested performance evaluation report should be denied.

c. In enclosure (3), PERS-811, the NPC office with cognizance over enlisted advancements, has commented to the effect that Petitioner's requests for removal of page 13 entries and advancement has merit and warrants favorable action. That office specifically recommended correcting Petitioner's record to show she was advanced to SK2 with an effective date of 16 June 2008 and time in rate date of 1 January 2008.

d. In enclosure (4), Petitioner explains why she strongly desires not only advancement, but also removal of the contested performance evaluation report.

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 error and injustice warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show she was advanced to SK2 with an effective date of 16 June 2008 and time in rate date of 1 January 2008.

b. That her record be corrected further by removing the service record page 13 ("Administrative Remarks") entries dated 25 February and 17 June 2008.

c. That any material or entries 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.

e. That the remainder of Petitioner's request be denied.


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.

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