



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

HD:hd  
Docket No. 03028-11  
28 April 2011

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 11 Mar 11 w/attachments  
(2) PERS-32 memo dtd 12 Apr 11

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 March 2007 to 15 March 2008, reflecting an adverse mark of "Significant Problems" in block 45 (promotion recommendation) (copy at Tab A), and leaving in the record the report for the same period reflecting a block 45 mark of "Must Promote" (copy at Tab B).

2. The Board, consisting of Messrs. Clemmons, Neuschafer and Silberman, reviewed Petitioner's allegations of error and injustice on 28 April 2011, 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 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 (NPC) office having cognizance over the subject matter of this case commented to the effect the 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 and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following enlisted performance evaluation report, reflecting a mark of "Significant Problems" in block 45, leaving in the record the report for the same period signed by CDR T. J. Harrington, USN and dated 20 March 2008, with a block 45 mark of "Must Promote":

Date of Report	Reporting Senior	Period of Report	
		From	To
8Apr08		16Mar07	15Mar08

b. That NO memorandum be entered in place of the report to be removed.

c. That appropriate corrections be made to the magnetic tape or microfilm maintained by NPC.

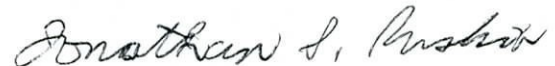
d. That Petitioner's record be corrected further by removing any service record page 13 or any other entry dated on or about 15 March 2008 reflecting the withdrawal of Petitioner's recommendation for advancement.

e. 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.

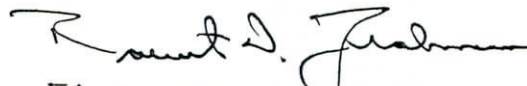
f. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. 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.

  
for W. DEAN PFEIFFER  
Executive Director