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DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

HD

Docket No. NR4309-13

12 June 2014

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) 2 DD Forms 149 dtd 7 Apr 13 each w/attachments  
(2) PERS-00J ltr dtd 24 Mar 14  
(3) PERS-832 memo dtd 11 Apr 14  
(4) PERS-32 memo dtd 23 Apr 14

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 documents 17002525 and 17002526 (copy at Tab A), his administrative separation board case file including a no further action message COMNAVPERSCOM MILLINGTON TN 200827Z JAN 12. Petitioner also requested modifying the enlisted performance evaluation report for 16 November 2009 to 20 July 2010 (copy at Tab B) by removing reference to nonjudicial punishment.

2. The Board, consisting of Messrs. Chapman, Spain and Storz, reviewed Petitioner's allegations of error and injustice on 12 June 2014, 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 enclosures (2) through (4), the Navy Personnel Command offices with cognizance over the subject matter of this case have commented to the effect that Petitioner's request has merit and warrants partial relief, specifically, removing documents 17002525 and 17002526.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) through (4), 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 by removing documents 17002525 and 17002526.


b. 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.

c. 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.

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

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.



ROBERT D. ZSALMAN  
Acting Executive Director