



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00047-99

23 August 1999

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

Subj: CWO3 [REDACTED], USN, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 22 Dec 98 w/attachments  
(2) NPC-311 memo dtd 27 May 99  
(3) PERS-85 memo dtd 14 Jun 99  
(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 failure of selection for promotion before the Fiscal Year (FY) 99 Chief Warrant Officer (W4) Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to CWO4 as an officer who had not failed of selection for promotion to that grade. After Petitioner applied, he failed before the FY 00 Chief Warrant Officer (W4) Selection Board. The Board presumes he wants that failure of selection removed as well.

2. The Board, consisting of Messrs. Bishop, Pfeiffer and Taylor, reviewed Petitioner's allegations of error and injustice on 12 August 1999, 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. Petitioner contends that his microfiche service record before the FY 99 CWO4 Selection Board did not contain his fitness reports for 12 August 1995 to 31 March 1996 and 13 May 1997 to 31 March 1998, or an administrative change letter concerning the report ending 31 March 1996.

c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office having cognizance over fitness report matters has commented that the report ending 31 March 1996 was in Petitioner's record; that the administrative change letter was unacceptable for file, as it had been submitted by Petitioner rather than the reporting senior; and that they had received the report ending 31 March 1998, but rejected it because of an incorrect promotion recommendation of personnel in the summary group.

d. In correspondence attached as enclosure (3), the NPC office having cognizance over active duty promotions has commented to the effect that Petitioner's request to remove his FY 99 failure of selection for promotion should be approved. They stated that the reports ending 31 March 1996 and 1998 were not included in his record before the promotion board; and that before the board convened, the Bureau of Naval Personnel (BUPERS) had requested copies of the missing reports; but that because of an administrative error by BUPERS, the reports were not forwarded to the board. They concluded that the reports would have substantially improved Petitioner's competitiveness.

e. Petitioner is to be retired on 1 February 2000 by reason of years of service, so that neither removing his failures of selection for promotion nor promoting him to CWO4 would have any effect on this action. The next regular CWO4 selection board is scheduled for 5 June 2000. If he is retired on 1 February 2000, he will not be eligible for consideration by that promotion board. However, as a result of a separate action initiated by Petitioner on the same grounds as his application to this Board, he is to be considered by a special promotion selection board to be convened in December 1999.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), the Board finds Petitioner's FY 99 failure should be removed. They further find the FY 00 failure must be removed as well, to restore Petitioner's status as not having failed of selection. In view of the above, the Board directs the following corrective action:

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he did not fail of selection by the FY 99 or 00 Chief Warrant Officer (W4) Selection Boards.

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.

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**

00047-99

1610  
NPC-311  
27 May 1999

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

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CWQ3 [REDACTED], US [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to have the fitness reports for the periods 12 August 1995 to 31 March 1996 and 13 May 1997 to 31 March 1998 placed in his record.

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 for the period 12 August 1995 to 31 March 1996 to be in the member's record.

b. The fitness report for the period 13 May 1997 to 31 March 1998 was received by NPC-311, but was rejected due to incorrect promotion recommendation of personnel in the summary group. The fitness reports are in the process of being sent back to the command for correction. Reference (a), Annex A, Page-A-13 specifically states the maximum limits on Early Promote and Must Promote recommendations.

c. The member submitted a fitness report administrative change letter for the report covering the period 12 August 1995 to 31 March 1996. However, the letter was not accepted for filing. Only the reporting senior who signed the original report can make changes to a fitness report. The member signed the letter vice the reporting senior.

3. When the corrected fitness report is received, we will ensure it is properly placed in the member's digitized record.

[REDACTED]

Head, Performance  
Evaluation Branch



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
Ser 85/097  
14 Jun 99

00047-99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: CW03 [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of CW03 [REDACTED] request to remove his failure of selection resulting from the FY-99 Active Chief Warrant Officer (W4) Promotion Selection Board.
2. CW03 [REDACTED] record was considered before the board, however, his fitness reports ending 31 March 1996 and 31 March 1998 were not included in his record for review. Prior to convening of the board BUPERS had requested copies of his missing fitness reports. Consequently, due to an administrative error by BUPERS, his fitness reports were not forwarded to the board prior to convening. The fitness reports would have substantially improved the competitiveness of his record amongst his peers.
3. Recommend approval of his request.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division