



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

HD:hd
Docket No: 09180-02
6 June 2003

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

Subj: LCDR [REDACTED] NC, USN [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 1 Oct 02 w/attachment
(2) PERS-65 memo dtd 18 Mar 03
(3) PERS-311 memo dtd 30 Apr 03
(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 modifying the fitness report for 29 June to 31 October 2001 by changing block 20 ("physical readiness") from "P [passed Physical Readiness Test]/NS [not within physical readiness standards]" to "P/MW [medically waived from physical readiness standards]"; and removing from block 41 ("comments on performance") the following: "*35. First NS on Fall PFA (physical fitness assessment)." A copy of this report is at Tab A.

2. The Board, consisting of Messrs. Caron and Lippolis and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 5 June 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 enclosures (2) and (3), the Navy Personnel Command offices having cognizance over the subject matter of this case have commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) and (3), the Board finds an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by amending as follows the fitness report for 29 June to 31 October 2001, signed by Captain [REDACTED], USN and dated 3 November 2001:

- (1) Block 20: Change "P/NS" to "P/MW."
- (2) Block 41: Delete "*35. First NS on Fall PFA."

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
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
W. DEAN PFEIFFER
Executive Director



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

5420
PERS-65
18 Mar 03

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
Lieutenant Commander [REDACTED] USN [REDACTED]

Encl: (1) BCNR Case File 09180-02

Ref: (a) OPNAVINST 61110.1F

1. Enclosure (1) is forwarded with comments and recommendations based on guidance contained in reference (a). Lieutenant Commander [REDACTED] requests that her fitness report for the period 29 June to 31 October 2001 be revised. Specifically, she requests that Block 20 be changed to reflect a medical waiver for body composition assessment.
2. Concur with Lieutenant Commander [REDACTED] request and recommend that block 20 of her fitness report for the period 29 June to 31 October 2001, be revised to read "P/MW". Reference (a) allows for medical waivers for body composition.
3. This is an advisory memorandum for the use of the Board for Correction of Naval Records only. Point of contact for further information is [REDACTED]

[REDACTED]

Captain, U.S. Navy
Director, Morale, Welfare and
Recreation Division
(PERS-65)



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
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1610
PERS-311
30 April 2003

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

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

Subj: LCDR [REDACTED] EN [REDACTED]

Ref: (a) PERS (65) memo 5420 PERS-65 OF 18 March 2003
(b) [REDACTED] (C), ltr 6320 of 25 September 2002
(c) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests corrections are made to her fitness report for the period 29 June 2001 to 31 October 2001.

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

a. A review of the member's headquarters revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and her right to submit a statement. The member did not desire to submit a statement. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement.

b. The report in question is a Periodic/Regular report. The member alleges the report to be unjust and in error due to the entry in block-20 and the comment in block-41 concerning her physical readiness results.

c. The reporting senior is charged with commenting on the performance or characteristics of each member under his/her command and determines what material will be included in a fitness report.

3. However, in view of the comments contained in reference (a) and (b), we would have no objection in changing block-20 to read "P/MW" and removing *35 from block-41.

[REDACTED]

Performance
Evaluation Branch