

The Sailors Guide to Appeals, Corrections and Statements for Navy Records

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with a 30 minute minimum.*

Contents

Summary of the terms Used.....	3
Appeals to the Chain of Command	4
Statement to the Record	6
Statement to the Board	7
Administrative Correction for a FITREP/EVAL	8
Adding Supplementary Material.....	9
Appeal: UCMJ Article 138 Complaint of Wrong Against the Commanding Officer / NAVREG Article 1150 Redress of Wrong Committed by a Superior	10
Appeal: SECNAV Level Corrections through the Board for Correction of Naval Records	11
Appendix 1: Process if a Sailor is unhappy with their FITREP, EVAL or CHIEFEVAL	13
Appendix 2: Example Statement to the Record	14
Appendix 3: Example Statement to the Board.....	15
Appendix 4: References.....	15
Appendix 5: Phone List	15
Appendix 7: Recommended Mast Script / Taking points	16
Appendix 8: Frequently Asked Questions	17

Summary of the terms Used

<p>Appeals to the Chain of Command are internal requests where a sailor “appeals” to his chain of command to address a concern that is within his chain of commands authority. Common examples include appealing disapproved leave, appealing a NJP, and appealing a FITREP or EVAL. There are two types of appeals to the chain of command. The first type is formal where the sailor requests to speak to the commanding officer via Captains Mast, and the second type is informal and is simply discussing a concern to the chain of command.</p>
<p>Statements to the Record are letters submitted by the Sailor to PERS-32 for inclusion into his or her service record. These are most commonly used to comment on a FITREP or EVAL that the sailor is unhappy with.</p>
<p>Statements to the Board can be submitted by Sailors prior to an administrative or statutory board. They are most commonly used to add FITREPS or awards which were missing a service record.</p>
<p>Administrative corrections correct administrative material in a sailors FITREP or EVAL. They are normally submitted by the command, but can be submitted by a Sailor.</p>
<p>Supplementary Reports are used to supplement (not replace) submitted reports when a performance trait needs to be changed. These reports can only be submitted by the command.</p>
<p>Appeals outside the Chain of Command are formal high level requests to the Secretary of the Navy or a courts marshal convening authority to address injustice or wrong doing committed by Chain of Command or Commanding Officer.</p>

For the purposes of this book we will use the fictional example of Petty Officer Third Class W. T. Door. PO3 Door is a hard working sailor whose ship is in port and he wants to have Sunday as his day of worship. He is requesting to exchange duty in order to follow his faith and worship on Sundays. He is aware that the navy allows him to attend Church services by stating

Except by reasons of compelling military necessity, personnel who celebrate their religious day on a day other than that specified by the command will be afforded the opportunity to observe the requirements of their religious faith. – MILPERSMAN 1731-010

We will follow PO3 Door as he goes through the process of requesting, appealing, writing a statement and finally requesting to correct his record due to exercising this right.

Appeals to the Chain of Command

- References
 - *BUPERS INST 1610.10 – Chapter 17
- Contact info: As appeals to the Chain of Command are handled internally through a Sailor's chain of command, there is no external contact information.
- Background: *For the terms of this book* appeals can be informal, which is a request that goes up to but not including your commanding officer. Or a formal appeal which is requested through a special request chit requesting mast from your commanding officer. Appeals are adjudicated within the "lifelines" of a sailor's command. If a sailor does not agree with the decision after an appeal the sailor can submit a statement, request to correct the record or level a complaint against his commanding officer.
 - Examples of an appeal to the chain of command
 - Request for a change of your FITREP or EVAL
 - Request for a redress of unapproved leave
 - Request to switch duty sections
 - Request to address low command issues which have not become part of one's permanent record.
- Timeline: There is no timeline associated with submitting an appeal to the chain of command; however there are a few things to keep in mind. First, you want to submit the appeal while the matter is still current and before your chain of command has transferred. If you are appealing an EVAL and the reporting senior has already transferred your options Second, become limited
- Who May submit an appeal to the chain of command: While there is no published doctrine, instruction or reference regarding who may submit an appeal, it would be very unusual if someone other than the effected sailor submitted an appeal. Commanding Officers and the chain of command would be well within their rights rejecting any appeal which was not submitted by anyone other than the effected sailor.
- Request process: For the purpose of this book chapter we will distinguish between formal appeals to the chain of command, which are adjudicated through a request for captain's mast and informal appeals to the chain of command which can be adjudicated through the chain of command; and would go no higher than the Executive Officer.
 - Formal Appeals to the chain of command: There is only one way to submit a formal appeal. Sailors are to submit formal appeals requesting mast with their commanding officers via a special request.
 - Informal Appeals to the chain of command: Informal appeals can be requested in any manner that one normally communicates with their chain of command. This could include e-mail, voice, or a request chit.
- Adjudication Process:
 - Formal Appeals to the chain of command: Once a formal appeal is submitted via a special request chit, the chit goes up the chain of command to the Commanding Officer. He then decides whether he will accept the mast deny the mast, or give the chain of command specific guidance in resolving the issue. If the Commanding Officer does accept the sailor's mast the sailor will have an opportunity to make his argument directly to the CO and should expect an answer relatively quickly. An example script for Captains Mast is provided in appendix 7.

- Informal Appeals to the chain of command: Once requested an informal appeal is simply a chain of command discussion about the specific problem. Using the example of W.T. Door, he requested not to have duty on Sunday, a request that was then denied by his LPO. W.T. Door used the informal appeal process by notifying his LPO that he wished to speak to his Chief regarding this issue. He explained to his Chief that the Navy MILPERSMAN 1731-101 allows for a sailor to take a Sabbath day. Chief then resolved the appeal by modifying the watch bill to non-Sunday days. Had PO3 Door's Chief, and division officer been unwilling to assist he would be within his rights to submit a formal appeal to the chain of command and request mast.
- Special Considerations: If both an informal appeal and formal appeal is unsuccessful, and the Sailor chooses to pursue the issue, his next step is to request a record correction through the Board of Correction of Naval Records or an article 138/1150 complaint.

Statement to the Record

- References
 - BUPERSINST 1616.10 Chapter 17
 - US Navy Regulations 1990, Article 1122
- Contact information
 - NAVPERS 32: 1-866-U-ASK-NPC
 - NAVPERS-832: 901-874-4433
- Background: Statements to the record are most commonly used by sailors whom are unhappy with their FITREP, CHIEFEVAL, or EVAL. It is a relatively low impact way for way for Sailors to comment directly on their report and provide explanation or justification.
- Timeline: Statements to the record must be submitted within two years after the report ending date, or the sailor must provide an acceptable justification for the delay.
- Who May submit: Statements may only be submitted by the Sailor on the information that is in his or her own record.
- Request Process: Statements may be no more than two pages and may not have enclosures. Statements must be temperate in tone and confined to pertinent facts. They may not include accusations or countercharges, and may not question or impugn the motives of the reporting senior or other individuals. Statements may not contain a request to modify, remove, replace, or investigate a report. An example statement is submitted in Appendix 3. Once a statement is written by a Sailor the statement must be endorsed by the Sailor's Commanding Officer and submitted to PERS-32 within 10 days. If a Sailor is unable to obtain the original reporting seniors endorsement, the sailor may submit their statement directly to PERS-32 with a cover letter explaining why the endorsement could not be obtained.
- Adjudication Process: Upon acceptance the sailors statement and the reporting seniors endorsement will be filed in the Navy Personnel Command's digital file
- Special considerations: In the event a sailor received an adverse report they will be given 10 days to write a statement. If they decline to write a statement it must be done in writing generally by checking the box "I do not intend to submit a statement". However, even if a Sailor initially declines, they still have two years to change their mind and submit a statement.
- Example: After requesting to take his Sabbath day, W. T. Door received a 2.0 in Teamwork on his following Evaluation. PO3 Door believes the 2.0 was a result of his request to observe his religious beliefs. In response PO3 Door elected to submit a statement to the record and used the template found in Appendix 2. His command then endorsed this statement and sent the statement, along with his Evaluation, to the Navy Personal Command for filing.

Statement to the Board

- References:
 - MILPERSMAN 1420-010 -- Communication With Officer Promotion Boards
 - MILPERSMAN 1401-010 -- Communication with Administrative Selection Boards
 - The NAVADMIN announcing a specific board will often contain specific instructions for communicating with that board.
- Contact information:
 - PERS-80 (Officers): 901-874-4537
 - PERS-451F (All Administrative Boards) 901-874-4162
 - NAVPERSCOM Customer Service Center: 1-866-U-ASK-NPC
- Background: Statements to a board allow a sailor to call the board's attention to any matter that the individual deems important.
- Timeline: Statements to the board must be received by NAVPERSCOM, customer relations management department no later than 2359 on the day prior to the board convening date.
- Who May submit: Any material that is submitted to a board must be submitted by, or endorsed by the applicable sailor.
- Request Process: Statements can be e-mailed to CSCSELBOARD@navy.mi using the subject line of "BOARD PACKAGE: BOARD FY####", or mailed using the following methods:

USPC Mail	Commercial: Federal Express, DHL, UPS, ect
Board FY### 5720 Integrity Drive Millington TN 38055-6300	Board FY### 5640 Ticonderoga Loop Bldg 768 Rm E302 Millington TN 38055-6300

An example statement to the board is included in Appendix 3.

- Adjudication Requirements: There will be no adjudication process; any statement to the board which is properly submitted will be reviewed by the board. However, Sailors may contact NAVPERSCOM to confirm receipt at: 1-866-U-ASK-NPC.
- Special considerations: Once the selection or administrative board adjourns all statements to the board are destroyed. If a sailor wishes to have the material entered into his permanent record, such as an award, it must be resubmitted.
- Example: In our case of PO3 Door, his next board would be the Chief's board. If he feels that his evaluations were marked lower than they should have been, he could submit a statement, in letter format, explaining the situation to the Chiefs board. An example is provided in Appendix 3.

Administrative Correction for a FITREP or EVAL

- References
 - BUPERSINST 1610.10 –Chapter 15 & Chapter 17
- Contact Information:
 - NAVPERS 32 - 1-866-U-ASK-NPC
- Background: After a FITREP, CHIEFEVAL or EVAL has been filed in the OMPF it may be modified only through an administrative change (discussed in this section), through the addition of supplementary material (discussed in chapter dealing with adding supplementary material) or through an appeal process (discussed in the appeals section). The deciding factor between submitting an administrative correction and submitting supplementary material. Is that an administrative change corrects the administrative blocks of a FITREP, CHIEFEVAL or EVAL, while supplementary material clarifies, amends or corrects evaluative blocks.
- Timeline: There are no time requirements for submitting requests for administrative corrections to NAVPERS-32. However, it is expected that a request for administrative correction be submitted by the command soon after the error is discovered.
- Who May Submit an Administrative Correction: Administrative corrections are normally submitted by the command which signed the FITREP, CHIEFEVAL or EVAL but on special occasions can be submitted by the effected service member.
- Request & Adjudication process: Administrative corrections are to be submitted in letter format by the service members command.
- Special Considerations: While administrative corrections are normally submitted by the sailors reporting senior, Sailors who discover an obvious technical error in a FITREP, CHIEFEVAL, or EVAL and if they are unable to contact the original reporting senior may submit an administrative change request directly to PERS-32 using a letter format.
- Example: Continuing with our example of W. T. Door, one month after his Evaluation was submitted to PERS, he realized that his name was misspelled as T. W. Dor. W. T. Door brings this to his commands attention, and the command submits an administrative correction letter to PERS-32 requesting that his name be spelled correctly as W. T. Door.

Adding Supplementary Material

- References
 - BUPERSINST 1610.10 –Chapter 15 & Chapter 17
 - MILPERSMAN 1070-020
- Contact Information:
 - NAVPERS 313 – 901-874-3407
 - NAVPERS 32 - 1-866-U ASK NPC
- Background: After a FITREP, CHIEFEVAL or EVAL has been filed in the OMPF it may be modified only through an administrative change (discussed in the administrative change section), through the addition of supplementary material (discussed in this section) or through an appeal process (discussed in the appeals section). The deciding factor between submitting an administrative correction and submitting supplementary material. Is that an administrative change corrects the administrative blocks of a FITREP, CHIEFEVAL or EVAL, while supplementary material clarifies, amends or corrects evaluative blocks.
- Timeline: There are no time requirements for submitting supplementary Material to NAVPERS-32. However, it is expected that a request for administrative correction be submitted by the command soon after the error is discovered.
- Who May Submit Supplementary Material: Supplementary Material may only be submitted by the command or reporting senior which signed the FITREP, CHIEFEVAL or EVAL. If the supplementary material contains adverse information the sailor will be given an opportunity to comment.
- Request & Adjudication process: Supplementary material is to be submitted in letter format by the command who wrote the sailors FITREP, CHIEFEVAL or EVAL.
- Example: On his final detaching Evaluation W. T. Door receives a receives the same 2.0 mark in Teamwork. However, this time he is able to successfully appeal this 2.0 to the chain of command. They then sign a new Evaluation with a 4.0 in teamwork. However since the original 2.0 Evaluation already was sent to PERS this new Evaluation would be a SUPPLEMENTAL Evaluation and both the 2.0 and 4.0 Evaluation would go in his record.

Appeal: UCMJ Article 138 Complaint of Wrong Against the Commanding Officer / NAVREG Article 1150 Redress of Wrong Committed by a Superior

- References
 - UCMJ Article 138 – Complaints of Wrongs Against the Commanding Officer
 - US Navy Regulations, 1990, Article 1150 – Redress of Wrong Committed by a Superior
 - BUPERS 1610.10 Chapter 17-10
- Background: Under UCMJ article 138 and Navy Regulations article 1150 a sailor may bring a complaint against either his Commanding Officer or any superior. These complaints are serious business not to be taken lightly. They will often result in a Captain conducting an investigation to look into the matter.
- Contact Information: Contact your local Naval Legal Service Office for guidance. See the contact list in appendix seven.
- Timeline: Complaints involving FITREPS, CHIEFEVALS, or EVALs must be submitted within 90 days from the time the sailor knows of the reports submission, or within one year after it is submitted, whichever is earlier. The Commanding Officer must then forward the complaint to the General Court Martial Authority within 10 days of receipt.
- Who May Submit: Any Sailor may submit an article 138 or 1150 complaint.
- Request Process: Any Sailor who believes himself wronged, and after failing get chain of command support, may complain to any superior officer. The superior officer will then forward that complaint within 10 days to the officer exercising general court-martial jurisdiction. The officer with general courts-martial jurisdiction will look into the matter and report to the Secretary concerned his findings
- Adjudication Process: If the general courts-martial convening authority finds in favor of the Sailor he may submit supplementary material to the Sailor's record, or direct the reporting senior to correct the record. The general courts-martial convening authority may also direct the removal of all or part of the original report. The NAVPERS Office of Legal Counsel (PERS-00J) will take the lead for executing this correction.
- Example: W. T. Door's ship has been in port for the last 6 months and since his request to observe his Sabbath day the chain of command has placed him on duty every Sunday in conjunction with his normal duty day. He also received a 2.0 mark in Teamwork on his last Evaluation. W. T. Door believes this is unjust and improper and decides to submit an Article 138 Complaint of wrong against the Commanding Officer. Once the investigation is complete the 2.0 Evaluation was removed from his record, and he was allowed to observe his Sabbath day.

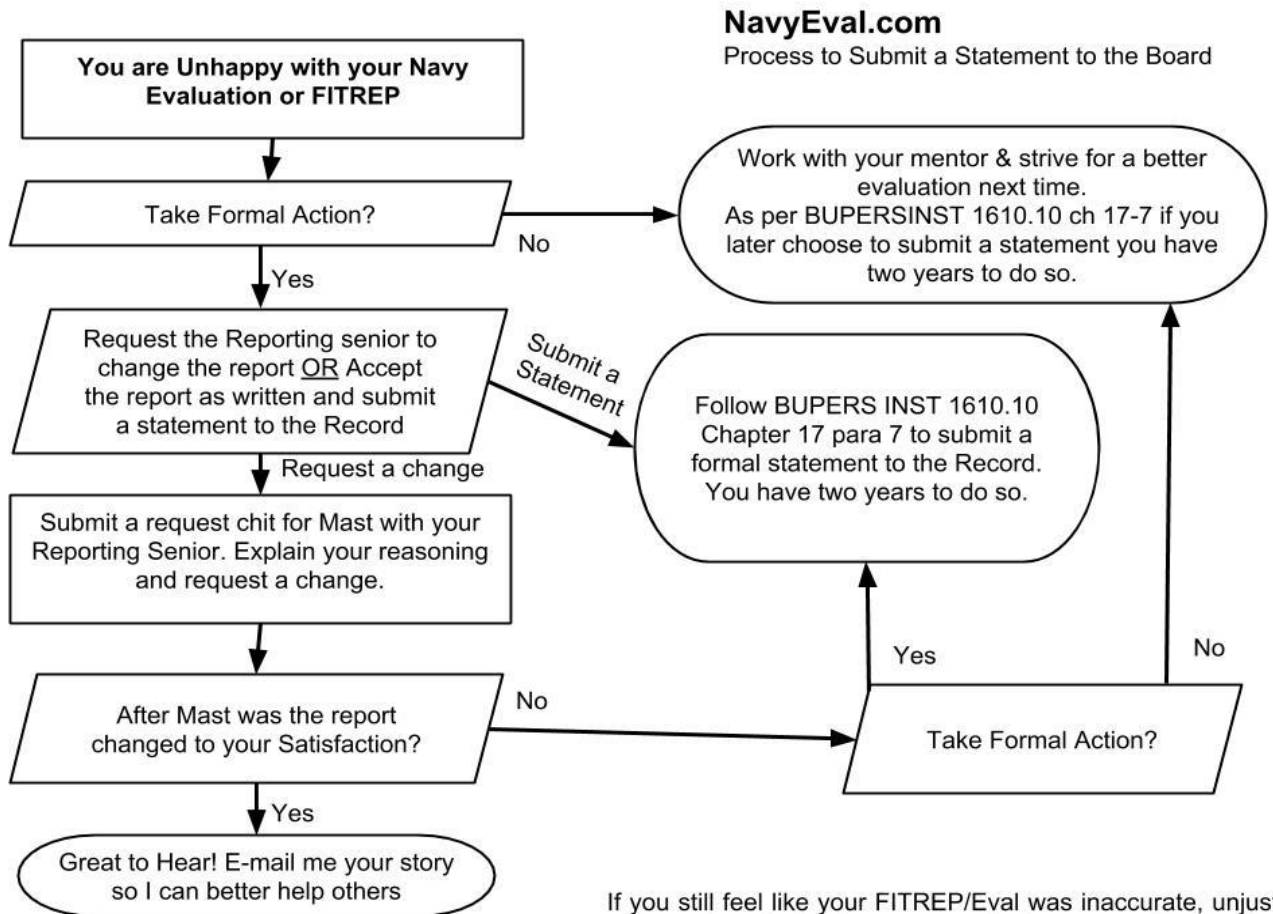
Appeal: SECNAV Level Corrections through the Board for Correction of Naval Records

- References
 - 10 USC 1552
 - MILPERSMAN 1000-150 – The Board for Correction of Naval Records
 - DD Form 149 -
 - SECNAV Page for Manpower <http://www.secnav.navy.mil/mra/bcncr/Pages/home.aspx>
 - MILPERSMAN 1000-160 – Naval Discharge Review Board – get this
- Contact information
 - NAVPERS PERS-31Office: 901-874-3043
 - NAVPERS Customer Service Center: 1-866-U-ASK-NPC
 - Board for the Correction of Naval Records Office: 703-614-1316
- Background: The board for corrections of Naval Records (BCNR) was established per 10 US Code 1552 and is designed to provide a method for the correction of error or removal of injustice from Naval records without the need for a private lawsuit. It should be noted that the BCNR is not a part of the Navy Personnel Command; rather it is a separate activity under the direction of the Assistant Secretary of the Navy for Manpower and Reserve Affairs and therefore can make a more impartial decision than can NAVPERS.
- Timeline: Applications must be submitted within three years after the sailor discovers the error or injustice. Petitions submitted later than three years after error or injustice may be considered only if The Board of Correction of Naval Records finds it to be in the interest of justice and are adequately explained. Petitions submitted must include adequate explanation why the late submission is in the interest of justice.
- Who May Submit: Applications for a Board for Corrections of Naval Records review can be submitted by one of the following:
 - The Sailor requesting his record corrected
 - The Sailors heir
 - The Sailors legal representative
- Request Process: Unless waived by BCNR, applications for review to the BCNR may be submitted only after having exhausted all available administrative remedies (Appeal, statement ect.....) have been exhausted.
It should be noted that if the request is regarding a discharge the case must be previously reviewed by the Naval Discharge Review board and a “No Charge” decision made.
Submissions to the Board of Naval Corrections should include:
 - DD 149 – Application for Correction of Naval Records
 - Identify the specific error or injustice
 - Contain sufficient information to permit the BCNR to determine whether relief is warranted
 - Include relevant information such as corroborating evidence such as affidavits or other written statements from individuals with personal knowledge of the facts
 - Specific reasons, if any, why expeditious processing is warranted
- Adjudication Process: Upon presentation of satisfactory evidence by the sailor, heir or legal representative the BCNR may recommend to the Secretary of the Navy that the record be changed. In addition he was afforded the opportunity to attend Sabbath day observances.

- Special considerations:
 - If the Sailor desires the petition to be resolved prior to an upcoming selection board the request should be received by BCNR at least four months before the selection board convenes.
 - Additional information can be obtained from the following sources:
 - Naval Legal Service Office
 - Personnel Support Activity Detachments
 - The Department of Veterans Affairs
 - The Board for Correction of Naval Records can be contacted directly at:
Board for Correction of Naval Records
Department of the Navy
2 Navy Annex
Washington DC 20370 – 5100

- Example: In our example W. T. Door has gotten out of the Navy and is now a Civilian. He is looking through his record and realizes that the reason he received a 2.0 evaluation mark is leadership is due to his religious beliefs and desire to observe his Sabbath. As W. T. Door would like this evaluation removed from his Navy record he petitions the Board for Correction of Naval Records and requests the offending Evaluation removed.

Appendix 1: Process if a Sailor is unhappy with their FITREP, EVAL or CHIEFEVAL.



If you still feel like your FITREP/Eval was inaccurate, unjust or wrongly submitted, you can submit an appeal using the process discussed in BUPERSINST 1610.10 Ch17-10

Appendix 2: Example Statement to the Record

<<<DATE YOU SUBMIT>>>

From: <<YOUR RANK, YOUR FULL NAME>>

To: NAVPERSCOM 32 (PERS 32)

Via: Commander <<< THE OFFICIAL NAME OF YOUR COMMAND>>>

Ref: (a) BUPERSINST 1610.1D

To Whom it may Concern,

1. In accordance with reference (a). I am writing in regard to my Navy Evaluation dated: <<<THE DATES OF YOUR FITREP OR EVALUATION>>>
2. As directed by chain of command I submitted input to my evaluation on <<<DATE>>>. To my surprise I was given a <<< STATE EXACTLY WHAT YOU ARE UNHAPPY WITH>>>. I believe this Fitness Report fails to account for <<<STATE IN ONE SENTENCE WHAT THE FITREP/EVAL FAILED TO ACCOUNT FOR>>>.
3. I have been assigned to <<<COMMAND YOU ARE ASSIGNED TO>>> as the <<< JOB YOU ARE ASSIGNED>>> for <<<HOW LONG>>> months and during that time have been lead to believe that my performance has been consistently above standards, during all periodic counseling I was given either positive feedback, or given critiques that I immediately corrected. In addition, I <<<HERE IS YOUR CHANCE TO ADD AS MUCH SUPPORTING MATERIAL AS YOU WANT TO MAKE YOUR ARGUEMENT FOR A HIGHER RANK>>>. As such I believe that my FITREP/Evaluation marks are both incorrect and unjust.
4. I respectfully request that the above facts are taken into account during my upcoming <<<YOUR NEXT ADMINISTRATIVE OR STATUTORY BOARD>>> board.

Very respectfully,

<<<sign>>>

<<<<YOUR NAME>>>

<<<YOUR E-MAIL ADDRESS>>>

Appendix 3: Example Statement to the Board

<<<DATE YOU SUBMIT>>>

From: F. M. LAST, SC, USN, XXX-XX-XXXX/DESIG
To: President, {insert specific board info, examples below}
(FY19 Active 0-5 Line Selection Board (Board #265))
(FY19 Supply Corps Command Ashore Screening (Board #56))

Subj: INFORMATION FOR CONSIDERATION BY THE SELECTION BOARD

Encl: (1) <<<document you wish to submit (NAM/COM/Letter of recommendation / ect...)>>>

1. Respectfully request you consider Enclosure 1 in my upcoming administrative <<or>> statutory board.

Very respectfully,

<<<sign>>>

<<<<YOUR NAME>>>>

<<<<YOUR E-MAIL ADDRESS>>>>

Appendix 4: References

MILPERSMAN 1070-020 - Officer Permanent Personnel Record
MILPERSMAN 1070-080 - Enlisted Permanent Personnel Record
MILPERSMAN 1070-210 - Correction of the Field Service Record
BUPERSINST 1610.10 – Navy Performance Evaluation System

<http://www.secnav.navy.mil/mra> - SECNAV webpage for submitting a request to correct Naval Records

Appendix 5: Phone List

- NAVPERS – 31: Office: 901-874-3043
- NAVPERS 313: 901-874-3407
- NAVPERS Customer Service Center: 1-866-U-ASK-NPC
- BCNR Office: 703-614-1316
- PERS-832: 901-874-4433

Appendix 7: Recommended Mast Script / Taking points

- Respectfully submit your special request chit for Mast with the Commanding Officer. While you are free to share the reasons with the chain-of-command you are not required to. You may simply say “I would like to speak to the Commanding Officer regarding a professional matter”
- Dress Sharp. This may be the first in-depth interaction your CO has had with you and you will be judged on how you present yourself. Wear the sharpest uniform you can (blues preferred) and make sure you have shiny shoes, close shave, and fresh haircut.
- Knock on the door, salute (if covered), and state that you are reporting as ordered. You are not doing this because you are in trouble; you are doing this because you want to present yourself as a sharp, knowledgeable, and squared away sailor.
- Let the CO speak first. He may start with some small talk or say “ I understand you are here to talk about your FITREP/Eval, please share with me your concerns”
- The focus of your conversation should be on your performance alone; do not compare yourself to anyone else, nor accuse anyone of bad intent.
 - Let him know that your FITREP/Eval was a surprise
 - Discuss your performance and what you have done for the command
 - Ask why your average did not improve from last year
 - Discuss all the positive feedback you received and that you have never received any negative counseling.
- Prioritize what you are requesting
 - Review this article to understand the difficulty of changing an EVAL/FITREP <http://www.navyeval.com/2017/10/16/request-a-change-to-eval/>
 - 1st: ask for an increase in your promotion recommendation, from MP to EP or P to MP. That is very hard to do and will probably be denied
 - 2nd: ask to increase your Summary average. This is also a hard request and may be denied.
 - 3rd: Ask for specific wording in your FITREP/EVAL write up. I recommend you specifically ask for the wording to:
 - Give you a soft break out: “#1 one Sailor across 9 in the XXX department”
 - Recommend you for promotion: “Most Highly Recommend for Promotion to XXXX”
 - Explain a lower than expected recommendation: “Outstanding Sailor!!! I was required to Give an MP due to Forced Distribution”
- The CO will either agree will explain his or her reasoning. Listen really hard, take notes, and if you can, give him a repeat back to show that you understand.
- Regardless of the outcome you need to stay positive, upbeat, and professional. Remember, you still have another EVAL/FITREP next cycle and you want to start setting yourself up for success for that next Eval/FITREP.
- Before you are dismissed restate your commitment to the Navy, the Command and your professional development. State that you will work as hard as you can to earn the very best Eval next cycle.
- Once Mast is complete feel free to reach out to me. If you still desire I can help you write a Statement to the Record, help you route it up and submit to BUPERS.

Appendix 8: Frequently Asked Questions

Question: Can I remove items from my service record? It's my record right?

Answer: No, you do not own your service record. An official document submitted to NAVPERSCOM for filing in the Official Military Personnel File (OMPF) becomes the property of Department of Navy (DON). Except for administrative or clerical errors, documents filed in the OMPF may not be removed or changed except by authorization of Secretary of Navy.

Question: What if there is a discrepancy between a FITREP, CHIEFEVAL or EVAL and the service members PSR. Do I submit this as an administrative correction?

Answer: Yes, this would be an example of an administrative correction. In this case notify NAVPERSCOM-32 by letter giving them the period of the report, the names of the reporting senior and enclose a copy of the PSR with corrections noted.

Question: What if I received a poor FITREP due to pending NJP which I was later acquitted of?

Answer: If a member believes that any portion of a FITREP, CHIEFEVAL, or EVAL is invalid due to an acquittal, finding of not guilty, set-aside of NJP, or reversal on appeal, the member should initiate a petition to the BCNR. Even though the reporting senior may have supplemented the report, the original report will remain in the record unless removed as a result of appeal by the member concerned.

Question: I have a specific issue that is not covered here. Where can I get some additional help?

Answer: I offer one on one consulting services and can put my 20 years of Naval experience along with 5 years as an Executive Officer to work for you. My services start at \$ 120 per hour for a 30 minute minimum. I can be reached at www.navyeval.com