

CHAPTER 17

MEMBER INPUT, REVIEW OF RECORD, STATEMENT, AND APPEAL

17-1. Purpose. This chapter provides information needed by Service Members to understand their rights and responsibilities and to submit input to reports, review and correct their records, and submit statements and appeals.

17-2. Member Responsibilities. Members are responsible to ensure the continuity of their FITREP, CHIEFEVAL, or EVAL record. Upon reporting to a new duty station, provide the new reporting senior with any PIM or other letter, course certificate, etc., received en route. Officers must also provide the ending date of their last Regular report. If required to report by letter to an assigned reporting senior, promptly submit the letter. If reporting to a civilian or a foreign activity, ensure the responsible official is aware of the requirement to submit letter reports. Service Members should also review their records periodically and take action to correct oversights.

17-3. Report Input. A Service Member WILL NOT be required to write their performance evaluation report. The Service member's input aids a rater or reporting senior in preparing a timely and complete report. A Service Member has the right to submit FITREP, CHIEFEVAL, or EVAL inputs and has the duty to do so if requested by the rater or reporting senior. Suggested outlines are provided in exhibits 17-1 and 17-2.

17-4. Review of the NAVPERSCOM Record. All members should periodically review their NAVPERSCOM records. Complete this review at least 6 months prior to any board convening date to allow time to correct discrepancies. Processing time for EVALS, CHIEFEVALS, and FITREPS vary based upon selection board priority. Members should review their Continuity of Reports on BOL approximately 60 days after the reports are signed and mailed to NAVPERSCOM. If the reports are rejected, a numerical error code should appear in the status block on the member's BOL Continuity. Definitions for the numerical error codes are located at the following Web site: www.npc.navy.mil, click on Career Info, scroll to Performance Evaluation, and then to Error Codes/Reasons. Members should report the reject status to their administrative office and have the command correct the report or

have a command representative call NAVPERSCOM (PERS-32) at commercial (901) 874-4881/4882/3313/DSN 882 for additional assistance.

a. OMPF.

(1) The OMPF contains a copy of each FITREP, CHIEFEVAL, or EVAL and other selected documents. Members may view their OMPF using OMPF-My Record. A valid DoD level-3 public key infrastructure certificate and a BUPERS On-Line account access are required. For access, log on to <https://www.bol.navy.mil> and select the "Official Military Personnel File (OMPF)-My Record" link.

(2) Members can also request a copy of their OMPF on CD ROM by fax at (901) 874-2664/DSN 882. To request a copy of the record, a member can logon to BUPERS Online, select Application List and then to "Request Record on CD" or can logon directly to BUPERS Access at <https://www.bol.navy.mil/>. The record may also be reviewed in person at the NAVPERSCOM Document Review Room, Wood Hall (Building 769), Millington, TN. Service Members who wish to have their CD ROM delivered to another person must provide a written authorization marked "For Official Use Only," bearing the member's name, SSN, and signature, and the name of the authorized person. This authorization may be carried or mailed to NAVPERSCOM by the person named. The Service Member can also request a copy of the CD ROM by fax to (901) 874-2664/DSN 882. Include name, rank or rate, SSN, return mailing address, and signature.

b. PSR. The PSR summarizes a member's professional and performance history. Exhibit 17-3 contains an example of the PSR. Selection boards use the PSR with (not instead of) the official digital record. To print a copy of the PSR, members can logon to BUPERS Online and click on ODC, OSR, PSR, ESR or they can logon directly to www.bol.navy.mil

17-5. Administrative Corrections. The member may request correction to obvious administrative errors in a FITREP, CHIEFEVAL, or EVAL, if the reporting senior is not available to submit the request. See chapter 15 for method of requesting corrections. A member may not request NAVPERSCOM to change any evaluative mark or comment or any administrative or evaluative data that would modify summary group averages, the reporting

senior's cumulative average, or place the member in another promotion recommendation summary group. If there is a discrepancy between a FITREP, CHIEFEVAL, or EVAL and the PSR, notify NAVPERSCOM (PERS-32) by letter, giving the period of the report (FROM and TO dates) and the name of the reporting senior. Enclose a copy of the PSR with corrections marked and a copy of the report if available. (**Note:** NAVPERSCOM (PERS-32) can correct only the FITREP, CHIEFEVAL, or EVAL administrative data. For corrections to the career data on the top sheet of the PSR, see the furnished directions.)

17-6. Replacement of Missing Reports. Missing FITREPs, CHIEFEVALs, or EVALs do not disqualify a member before a selection board, but can make the work of the board more difficult. As a minimum, a member should attempt to obtain any missing report covering significant duty in the grades of E5 or above within the past 5 years.

a. Submission of Missing Report. Send a copy of the original report, if available, to NAVPERSCOM (PERS-32). The copy must display all required signatures, initials, and dates, and must be submitted with a signed cover letter requesting that the duplicate report be filed in the official record. If a signed and dated copy of the report is not available, try to obtain submission or resubmission of the report by the original reporting senior.

b. Member Statement in Lieu of Missing Report. If unable to obtain a Regular report after reasonable effort, submit a one-page letter to NAVPERSCOM (PERS-32) explaining why the report could not be obtained, and providing the information that should have appeared in blocks 1-19 and 22-26 of the missing report. The letter may mention qualifications attained during the period, but may not evaluate or grade the member's own performance or include any self-recommendation for assignment or promotion. If the letter is acceptable, it will be filed in the digitized record. Letters in lieu of Regular reports will be accepted only if they fill a gap in Regular report continuity. A letter in lieu of a Concurrent or Operational Commander report will not be accepted. Exhibit 17-4 is a sample copy of a Statement in Lieu of Missing report.

17-7. Statement to the Record. A member may submit a statement to the record about any FITREP, CHIEFEVAL, or EVAL. The

statement must be submitted within 2 years after the report ending date or provide acceptable justification for the delay. The statement and the reporting senior's one-page endorsement will, upon acceptance, be filed in the NAVPERSCOM digital file.

a. Content of Statement. 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. Such requests may be made only as part of one of the appeal processes discussed in this chapter. Include justification if the statement is submitted more than 2 years after the ending date of the report.

b. Submission of Statement. Address the statement to NAVPERSCOM (PERS-32) via the reporting senior who submitted the original report, or in the case of a Concurrent report, via the concurrent and regular reporting seniors. If unable to obtain the original reporting senior's endorsement after reasonable effort, submit the statement directly to NAVPERSCOM (PERS-32) with a cover letter explaining why the endorsement could not be obtained. All statements from personnel E1 to O6 are sent to NAVPERSCOM (PERS-32).

c. Endorsement of Statement. The reporting senior must endorse and forward any statement within 10 days, with a copy back to the member. The endorsement must be limited to one page. A rater and/or senior rater may not endorse a member's statement. The reporting senior shall ensure the statement meets the requirements of this instruction prior to submission to NAVPERSCOM (PERS-32).

17-8. Statement Concerning Adverse Report. A FITREP, CHIEFEVAL, or EVAL containing adverse matter must be referred to the member for a statement. All requirements for a statement to the record apply to a statement on an adverse report.

a. Submission of Statement with the Report. A member who desires to make a statement for submission with the report shall mark the box labeled "I intend to submit a statement" in FITREP or CHIEFEVAL block 46 or EVAL block 51. The CO will provide the member with reasonable clerical support and access to records.

The member shall provide the statement to the reporting senior within 10 days after seeing the report. The reporting senior may allow a short extension, but the report must be submitted in time for any selection board for which the member may be eligible. Do not delay an entire summary group while the member's statement is being prepared and endorsed. A member may submit an additional statement concerning the reporting senior's endorsement, but submission of the original report, statement, and endorsement will not be further delayed for this purpose.

b. Declination to Submit Statement. A member who does not wish to make a statement concerning adverse matter must decline in writing. This is normally accomplished by marking the box labeled "I do not intend to submit a statement" in EVAL block 51 or FITREP/CHIEFEVAL block 46. The signature does not imply agreement with the report, but merely acknowledges that the member has seen the report and is aware of the right to submit a statement. A statement may still be submitted within 2 years after the report ending date. A member who fails to sign an adverse report after being given an opportunity to do so, or fails to submit a statement within a reasonable time after indicating an intent to do so, will be presumed to have declined to submit a statement. Enclose a letter of explanation with the report.

c. NAVPERSCOM (PERS-32) Request for Statement. NAVPERSCOM (PERS-32) may send a report to the member with a request for a statement. The member must respond to this request, and submit either a statement or decline to do so in writing. Failure to respond within the specified time will be considered a declination to submit a statement, and the report will be filed in the official record.

17-9. Communications with Selection Boards. A member eligible for consideration by a selection board may communicate in writing with the board. If a FITREP, CHIEFEVAL, or EVAL is enclosed, it will be reviewed for validity before being presented to the board. Procedures for communicating with officer boards are contained in reference (b), MILPERSMAN 1401-010 and MILPERSMAN 1420-010. Procedures for communicating with enlisted boards are contained in the NAVADMIN announcing the E7/8/9 selection boards for each fiscal year. These procedures must be carefully observed. Any documents submitted to a selection board will be shredded upon completion of their

respective board and will not become part of their official record.

17-10. Appeals. If members believe that a FITREP, CHIEFEVAL, or EVAL is inaccurate, unjust, or wrongly submitted, they should first discuss the matter with the reporting senior. The reporting senior may, if justified, submit an administrative change or supplementary material (see chapter 15). U.S. Navy Regulations, 1990, article 1151, also provides authority for the request mast, at which questions concerning FITREPs, CHIEFEVALs, and EVALs may be raised with the CO. If these remedies have been exhausted, and the matter cannot be explained in a statement to the record or communication to a selection board, the member may request that a report be investigated, modified, removed, or replaced through one of the following appeal procedures:

a. U.S. Navy Regulations, 1990, Article 1126 - Correction of Naval Records. Under provisions of this article, a member may petition the Board for Correction of Naval Records (BCNR) for correction of error or removal of injustice in a FITREP, CHIEFEVAL, or EVAL. Petitions must be submitted on DD 149 Application for Correction of Military Record under the Provisions of 10 U.S.C. 1552. This form is available at <http://www.dtic.mil/whs/directives/forms/eforms/dd0149.pdf> or from the Board for Correction of Naval Records, Washington, DC 20370-5100. Upon presentation of satisfactory evidence by the member concerned, the BCNR may recommend to the Secretary of the Navy that the record be changed. If the petition is to be considered and resolved prior to the convening of a selection board, the petition should be received by the BCNR at least 4 months before the board convenes. The BCNR normally will not act on a petition if any other type of appeal is pending or in progress.

b. U.S. Navy Regulations, 1990, Article 1150 - Redress of Wrong Committed by a Superior, and UCMJ, Article 138 - Complaints of Wrongs. Under provisions of these articles, a member may submit a complaint against a superior officer. The complaint may include a request to revise, remove, or replace a FITREP, CHIEFEVAL, or EVAL. Submit complaints in the manner prescribed by U.S. Navy Regulations, 1990, article 1150, and the Manual of the Judge Advocate General, chapter III. Complaints involving FITREPs, CHIEFEVALs, or EVALs must be submitted within

90 days from the time the member knows of the report's submission, or within 1 year after it is submitted, whichever is earlier. If relief is granted, the general courts-martial convening authority granting relief may submit supplementary material or direct the original reporting senior to do so, and may direct the removal of all or part of the original report. In this case, forward the entire decision package, including the supplementary material, via NAVPERSCOM, Office of Legal Counsel (PERS-00J), who will effect the relief per the Manual of the Judge Advocate General, paragraph 0308f.

c. Privacy Act. Under the provisions of the Privacy Act, a member may request that a FITREP, CHIEFEVAL, or EVAL be amended if the report is inaccurate. Amendments are limited to correction of factual matters only. Matters of opinion, such as grades and comments by the reporting senior, are not subject to amendment under these provisions. Prepare Privacy Act amendment requests as specified in SECNAVINST 5211.5E, and submit to NAVPERSCOM (PERS-00J) via the reporting senior. The reporting senior should forward the request along with a recommendation regarding granting or denying the request within 20 days of its receipt.

17-11. Appeals Based on Acquittal, Finding of Not Guilty, Set-Aside, or Reversal. 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.

17-12. Review of Reports on Acquisition Workforce Members. Under Public Law 101-510, a member of the Defense Acquisition Workforce whose reporting senior is not in the same Defense Acquisition Workforce career field may request a review of their reports by a person in the same Defense Acquisition Workforce career field as themselves. The request may be combined with a statement to the record. Submit the request to NAVPERSCOM (PERS-32) via the regular reporting senior (or via concurrent and regular reporting seniors for a Concurrent report). All rules and procedures for submitting and endorsing statements to the record (see above) also apply to Defense Acquisition Workforce review requests. The subject line of the letter must

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read "FITNESS REPORT ACQUISITION WORKFORCE REVIEW REQUEST." Add "AND STATEMENT" if the letter is also a statement to the record. The endorsement must indicate whether the reporting senior is a member of the Defense Acquisition Workforce, and if so, in what career field. Upon receiving the request, NAVPERSCOM will designate the reviewing officer, and will provide a copy of the reviewing officer's comments to the member, via the reporting senior.