



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

█
Docket No: 6597-20
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A three-member panel of the Board, sitting in executive session, considered your application on 3 August 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies. The Board also considered the Navy Personnel Command advisory opinion (AO) furnished by PERS-32 on 29 September 2020, which was previously provided to you on 28 June 2021. Although you were afforded 30 days in which to submit a response, you did not do so.

The Board carefully considered your request to remove the evaluation report and counseling records covering the periods 2 March 2017 to 31 October 2017 and 3 November 2017 to 21 January 2018. You contend that the evaluations were unjust because you never received performance counseling, you did not receive a debrief of the reports, which were sent with "certified copy provided" marked, and the reports did not characterize your performance accurately.

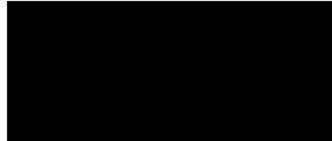
The Board noted that the evaluations were submitted in accordance with BUPERSINST 1610.10D; neither report is adverse and neither contains adverse performance traits, promotion recommendation or comments; consequently the reporting senior (RS) can enter "certified copy

provided” in the member’s signature block. The Board further noted Block 30 of the first fitness report indicated that mid-term counseling did occur and for the second fitness report, mid-term counseling was not required as the period of the report covered was less than 120 days. The Board concurred with the AO that you did not furnish sufficient evidence to substantiate your contention that the fitness reports were unfair or that the RS acted improperly and concluded that the fitness reports shall remain in your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/9/2021

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Executive Director

Signed by

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