



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

█  
Docket No: 8328-20  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 19 October 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 1 December 2020. The AO was provided to you on 6 September 2021, and you were given 30 days in which to submit a response.

The Board carefully considered your request to change the promotion recommendation from Promotable (P) to Early Promote (EP) and to add information to block 43 for your evaluation report and counseling record covering the period 16 July 2019 to 15 May 2020. You contend that the promotion recommendation was biased based on the fact you were separating from the military prior to completing the full contract instead of on your performance. You further argue that block 43 of the evaluation did not include all of the work that you had accomplished during the period.

The Board noted that although you received an 'EP' on your two previous evaluations, the reports were from different reporting seniors. The Board concurred with the PERS-32 AO that the evaluation was in accordance with BUPERSINST 1610.10E as the evaluation does not document a decline in performance, and thus did not meet the criteria of adverse, requiring additional information from the reporting senior (RS). The Board further noted, with respect to block 43, that you can request the RS to submit supplemental material to document facts that may have been omitted or you can submit a statement to the record about the evaluation to provide the

additional information. The Board determined that you did not furnish sufficient evidence to substantiate your contention that the evaluation was unfair and procedurally defective and concluded that the evaluation, as written, 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,

11/20/2021



Executive Director

