



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

█  
Docket No: 402-21

Ref: Signature Date

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Dear Petitioner:

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 7 December 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 this 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, as well as the 2 February 2021 advisory opinion (AO) furnished by the Navy Personnel Command (NPC) (PERS-32), 22 October 2021 AO furnished by the NPC (PERS-80) and your response.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request to correct your Performance Summary Record (PSR), remove improper fitness reports, and convene a Special Selection Board (SSB) for the Fiscal Year (FY) 2018 or FY 2019 Navy Active Duty Captain Staff Corps (Civil Engineer Corps) Promotion Selection Board (PSB). The Board considered your contentions that your PSR does not reflect the correct reporting senior cumulative averages (RSCAs), RS ranks, or fitness report dates. You also contend that the newly corrected fitness reports were not properly inserted into your PSR and official military personnel file (OMPF), causing the PSBs to see inaccurate information. You claim that the PSB did not have the proper fitness reports to evaluate and an

additional correction to your RSCA was submitted during September 2020 that was not available for the PSBs.

The Board noted that your corrected fitness reports for the reporting periods 1 May 2014 to 25 July 2014, 26 July 2014 to 30 April 2015, and 1 May 2015 to 21 May 2015 are included in your OMPF and according to PERS-32, your corrected fitness reports have been on file in your OMPF since 24 January 2020. The Board also noted that based upon your request for a SSB, on 29 July 2020, the Assistant Secretary of the Navy (ASN), Manpower and Reserve Affairs (M&RA) approved your request and convened a FY 2018 SSB. The Board noted, too, that you were notified of the date of the SSB, you were afforded the opportunity to collaborate with NPC personnel regarding preparation for the SSB, you submitted a letter to the board (LTB), the SSB convened on 29 September 2020, and after proper consideration you were not selected for promotion. The Board, however, substantially concurred with the PERS-80 AO. In this regard, the Board noted that pursuant to SECNAVINST 1402.1, "Officers requesting SSBs are required to raise all possible claims regarding their non-selections in their initial application. The Board found no new facts or evidence that was not already known during your initial application for a SSB.

Concerning the errors on your PSR, the Board considered your contentions, however, the Board determined that the errors were not substantive or materially erroneous that you were deprived of fair and impartial consideration by the promotion boards. The Board noted that your corrected fitness reports were on file for consideration by the SSB, the alleged RSCAs errors were minor and still above the RSCA average, and you submitted a LTB. The Board also determined that the SSB members had the appropriate fitness reports and your LTB was your opportunity to address any issues for the SSB members to consider. Accordingly, the Board found your evidence insufficient to warrant reconsideration by convening another SSB. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/17/2021

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Deputy Director

Signed by: █