



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

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Docket No. 0744-21
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 28 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 this Board. Documentary material considered by the Board consisted of your applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the Advisory Opinion (AO) provided by the Navy Personnel Command (PERS-32). The AO was provided to you on 2 March 2021, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your Evaluation Report & Counseling Record (Eval) for the reporting period 16 November 2015 to 15 September 2016. The Board considered your contentions that there is an Eval already covering this entire period in your record from FRC █ (Block 7) and has a period of report (Block 14) from 16 November 2015 to 15 November 2015. You assert that the Eval in question "needs to be deleted because it was submitted in error; it reflects a stop gap in your performance summary; and has no performance grading."

The Board, however, substantially concurred with the AO that the Eval is valid as written and filed, in accordance with the applicable Navy Performance Evaluation System (PES) guidance. The Board also concurred with the AO that there is an error with the reporting dates and the error can be corrected administratively with an Administrative Change Letter as this action provides

continuity between evaluation reports. The Board noted that upon reviewing your service records, there is no record of you taking this action as recommended by PERS-32. The Board further noted the efforts taken to contact you to take the appropriate action were unsuccessful. The Board thus concluded that your request is lacking in substantial evidence of an error or injustice warranting removal of this report.

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,

11/18/2021

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

A black rectangular redaction box covering the contact information of the Executive Director.