



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

█  
Docket No. 1202-21  
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.

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 19 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 Records (Evals) for the reporting periods 16 March 2020 to 31 May 2020 and 1 June 2020 to 18 June 2020. The Board considered your contentions that: the 'Special' Evals were issued for failure to obtain the Enlisted Aviation Warfare Specialist (EAWS) qualification within 18 months according to COMNAVAIRFORINST (CNAFI) 1414.2; the same instruction states that dwell time should be given when the enrolled member is temporarily assigned away from the command; you were TAD to ship's █ and resided in Automated Data Processing; your unit did not award dwell time; you did not have sufficient time to obtain the EAWS qualification; there was no Page. 13 within any records that you were ever enrolled in the EAWS program; and the Old EAWS instruction was unjust to non-aviation ratings as the instruction specifies. You further contend this was recognized and explained in detail in the new EAWS instruction which is why you were awarded the "P" evaluation, but this evaluation referenced CNAFI 1414.2A, which states that non-aviation rates are granted 12 months on board

their command before being enrolled in the EAWS program. You assert you were not given enough time to complete the program and was unjustly penalized.

The Board, however, substantially concurred with the AO that the Evals are valid as written and filed, in accordance with the applicable Navy Performance Evaluation System (PES) guidance. Specifically, your Reporting Senior (RS) submitted the Evals according to the PES Manual for failure to qualify for and disenrollment from the EAWS, and nothing indicates the RS acted illegally or improper, or the Evals lack rational support. The Board thus concluded that your request is lacking in substantial evidence of an error or injustice warranting removal of these reports.

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,

11/17/2021

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Executive Director

Signed by:

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