



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

█  
Docket No: 1313-21  
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 26 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 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 17 March 2021 advisory opinion (AO) furnished 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 Reports for the reporting periods 16 March 2020 to 31 May 2020 and 1 June 2020 to 18 June 2020. The Board considered your contention that according to COMNAVAIRFORINST 1414.2, dwell time should be given when the enrolled member is temporarily assigned away from the command. You also contend that your unit did not award dwell time and you did not have sufficient time to obtain the Enlisted Aviation Warfare Specialist (EAWS) qualification. You claim that your special evaluations were issued for failure to obtain the (EAWS) qualification within 18 months and that you were temporarily assigned to ship's company during sea based workups and to the Carrier Intelligence Center. As evidence, you furnished the Letter of Instruction for Deployment 2018 and COMPTUEX.

The Board, however, substantially concurred with the AO. In this regard, the Board noted that the Navy Performance Evaluation System Manual (EVALMAN) provides that reporting senior's

(RS's) may submit a special evaluation report and they must state the justification. According to the EVALMAN your RS commented that your special evaluation was submitted to document your failure to complete EAWS qualification as required by COMANVAIRFORINST 1414.2 and your subsequent report was submitted due to your disenrollment from the EAWS program. The Board also noted that according to COMANVAIRFORINST 1414.2, an individual Sailor must exhaust all opportunities to progress with their qualification and failure to qualify EAWS within the prescribed time requirement shall immediately result in a special performance evaluation. The Board found no evidence that you exhausted your opportunities to progress with your qualifications or that your Command Senior Enlisted Leader denied a request to place you in dwell status and you provided none. 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,

11/16/2021

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Executive Director  
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