



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

█  
Docket No: 3600-21  
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 application on 1 March 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, applicable statutes, regulations, and policies, as well as the 22 June 2021 Advisory Opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you on 27 January 2022, and you were given 30 days in which to submit a response.

The Board carefully considered your request to modify the evaluation report and counseling record covering the period 1 February 2020 to 15 March 2020 to Not Observed. You contend that the evaluation is unjust as you received the evaluation after recently checking onboard the command and there was not enough time for the CO to observe you and rank you appropriately.

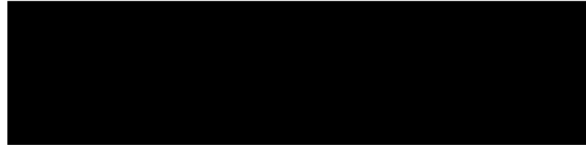
The Board concurred with the AO that in accordance with BUPERSINST 1610.10D, it is the reporting senior's (RS) discretion whether or not to issue an observed or not observed report. Therefore, the fact that the RS elected to submit a graded report is not erroneous unless there is evidence he abused his discretionary authority in doing so. Absent evidence that the RS abused his discretionary authority your case, the Board determined that there was insufficient evidence to show error or injustice. Consequently, the Board found that the evaluation is administratively correct and shall remain in your official military personnel file as written.

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,

3/10/2022



Executive Director

Signed by:

