



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. 5243-21
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 6 January 2022. 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 Advisory Opinion (AO) provided by the Navy Personnel Command (PERS-32). The AO was subsequently provided to you via email on 30 November 2021, and you were given 30 days in which to submit a response. On 31 December 2021, you provided a rebuttal response and supporting documentation which was submitted to the Board for consideration.

The Board carefully considered your request to remove your periodic Fitness Report and Counseling Record (FITREP) for the reporting period 24 May 2019 to 31 January 2020 and your detaching FITREP for the reporting period 1 February 2020 to 1 July 2020. Specifically, you contend the FITREPs should be removed because they are clearly based on a detachment for cause requested by your Commanding Officer (CO) that was disapproved by the Deputy Chief of Naval Personnel (DCNP). You also contend the FITREPs, written by the CO who attempted to detach you for cause due to substandard performance of duty, "unjustly tar [your] otherwise exemplary record and will prevent any further career progression." In support of your contention, you submitted the character reference letters that were submitted in support of your argument against detachment for cause. You contend these letters support your contention you have demonstrated superior performance in your duties and provide evidence the contested reports are "outliers and do not accurately portray [your] performance in the Navy."

The Board, however, substantially concurred with the AO. Specifically, the Board noted the evaluation of a member's performance is the responsibility of the reporting senior and concluded there was insufficient evidence of an error or injustice in the CO's evaluation of your performance during the reporting periods. The Board specifically noted DCNP's disapproval of the CO's detachment for cause request does not render the CO's evaluation of your performance as invalid or without merit. Based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant granting your requested relief.

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,

1/27/2022

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Executive Director

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