



**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: 7323-21  
Ref: Signature Date



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 22 March 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 19 November 2021 advisory opinion (AO) provided by the Navy Personnel Command (PERS-32) and your response to the AO.

The Board carefully considered your request to remove your fitness report for the reporting period 1 August 2020 to 15 November 2020. You also request promotion consideration by the Navy Active Duty E-7 Special Selection Board (SSB). The Board considered your contentions that you were ranked against your peers during the evaluation cycle and, contrary to the opinion of your reporting senior (RS), your performance wasn't fairly observable due to the nature of your duties and the length of the reporting period. You claim that you were put into the summary group for the sole purpose of providing the command with an extra Early Promote recommendation at the expense of your career. As evidence, you furnished correspondence from your former Command Master Chief.

The Board, however, substantially concurred with the AO's recommendation that your record remain unchanged. In this regard, the Board noted you acknowledged your fitness report and indicated that you did not intend to submit a statement. The Board also noted your correspondence to your RS and his response that, "... I had consistent observation of you across Sep and Oct, certainly sufficient observation to write the eval in Nov. I feel very strongly that

your evaluation and ranking reflect where your performance was in the command . . . I am going to maintain the fall 2020 eval cycle as written and signed.” The Board determined that according to the Navy Evaluation System Manual (EVALMAN), your RS had the discretion to submit an observed report, if there had been enough observation to grade you with confidence and a fair and meaningful evaluation or recommendation could be made. In this case, your RS was clear that he had sufficient observation of your performance to submit a meaningful evaluation and promotion recommendation. The Board also determined that your evidence was insufficient to conclude that there was no rational support for your RS to submit an observed fitness report or that your RS acted for an illegal or improper purpose. As a result, the Board concluded the fitness report in question should remain unchanged and in your record. Based upon the foregoing determination that no error or injustice exists with the fitness report, the Board also concluded that a SSB is not warranted. 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,

4/13/2022

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Executive Director

Signed by: █