



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

█  
Docket No. 7821-21  
1294-20

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 26 May 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.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report for the reporting period 1 February 2019 to 23 July 2019 and to direct the convening of a special selection board (SSB). The Board noted your previous request, Docket No. NR20200001294, requested the same relief, in addition to the removal of two other fitness reports. This Board denied your previous request on 18 February 2021.

In your current request, you did not provide a brief or a statement for this Board's consideration; you simply provided documents for consideration and the majority of those documents were considered by the previous Board. The Board carefully considered the contentions stated in block 14 of your DD Form 149: 1) The adverse fitness report was both procedurally and

substantively in error; 2) The Board should consider the circumstances related to the administration of the fitness report; 3) The fitness report does not accurately reflect your military character, performance, or otherwise; and 4) Removal would correct an error and injustice.

Due to the new evidence, the Board carefully considered your contentions but concurred with the previous Board's findings. Specifically, the Board reviewed the new documents and noted the Secretary of the Navy approved your further continuation on active duty. However, the Board concurred with the previous Board decision that the fitness report in question was required to be issued due to your Reporting Senior's (RS's) detachment and that it appropriately left out any discussion of the pending Detachment for Cause request. The Board also concurred that the RS documented performance deficiencies that were supported by the preliminary inquiry and had a negative impact on the command's mission. These deficiencies substantiated the adverse nature of the fitness report. Therefore, the Board affirmed its previous findings and concluded there is insufficient evidence of an error or injustice warranting 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,

6/20/2022

