



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

█  
Docket No: 941-22  
Ref: Signature Date

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█  
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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 26 April 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.

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

The Board carefully considered your request to modify your fitness reports for the reporting period 6 January 2015 to 31 May 2015 by changing the reviewing officer (RO) comparative assessment from block '5' to block '6'. The Board considered your contentions that the comparative assessment mark is unjust because it is inconsistent with the "block 6" mark on the prior fitness report and the intent of the RO, as detailed in his letter. As evidence, you furnished correspondence from your former RO.

The Board, however, substantially concurred with the previous PERB and Board decision that your fitness report is valid. In this regard, the Board noted the 12 January 2019 email and statements from your former RO, ". . . unfortunately, it has been too long since I reviewed that report. An otherwise competitive record will not be rendered non-competitive based on one

issue like this.” The Board also noted the 18 December 2021 memo from your former RO, however, the Board determined that your RO’s original correspondence nearly four years after the reporting period indicated a genuine, well explained and thoughtful decision. The Board found the current memo, furnished more than six years after the reporting period unconvincing. The Board also determined that your RO was not prohibited from lowering your comparative assessment mark and your evidence was insufficient to warrant modification of your fitness reports. 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,

5/6/2022

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Deputy Director

Signed by: █