



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: 2239-22
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 11 August 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 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 Advisory Opinion (AO) furnished by the Navy Personnel Command (PERS-32) dated 29 March 2022 and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would 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.

You received a fitness report covering the period 28 August 2021 to 22 December 2021 with a promotion recommendation of Early Promote, "EP." You requested an amendment to the fitness report from your chain of command, specifically adding to block 40 "Dept Head" and adding to Block 41 "Ready for Department Head!" or something to that effect. Your reporting senior (RS) previously stated in response to your request that you did not meet his standard for future service as Department Head in the Surface Warfare community. You argue that his opinion is not correct, and not having the Department Head recommendation on the fitness report would harm your opportunity to be selected for a Surface Warfare Officer Department Head position.

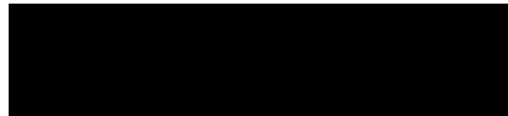
The Board carefully considered your current request to add the additional language to block 40 and 41 of the fitness report. The Board noted that the report contains no adverse comments and

that you received the highest promotion recommendation. The Board concurred with the AO that it is within RS discretion to comment on the performance of a member and that you did not provide sufficient evidence to show that there was no rational support for the RS to not recommend you for a Department Head position. While the Board considered your statement that you believe that you are ready for the challenges associated with a Department Head position, this assertion did not persuade them that your RS abused his discretion by disagreeing with you. Further, the fact you may be disadvantaged by the lack of endorsement for a Department Head position, in the opinion of the Board, does not equate to an injustice based on the circumstances of your case. Consequently, the Board determined that the fitness report contains no material error, is valid, and shall remain in your OMPF as written. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

8/17/2022

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Executive Director

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