



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

■
Docket No. 2684-22
Ref: Signature Date

[REDACTED]

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 16 June 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 26 April 2022, and you were given 30 days in which to submit a response. When you did not respond, your case was submitted to the Board for consideration.

The Board carefully considered your request to remove your periodic Evaluation Report & Counseling Record (EVAL) for the reporting period 16 October 2021 to 15 November 2021. Specifically, you contend the EVAL should have been non-observed due to the extremely limited observation window of only 24 days onboard. You further contend the 3.0 Performance Mark Average (PMA) you were given has lowered your overall PMA from 4.13 to 3.96, making it significantly harder for you to be competitive in your peer-group for advancement. The Board also considered your contention this is your first "promotable" EVAL as a petty officer. Further, you contend this "welcome aboard" EVAL is not in your best interest nor the best interest of sailors, their commands, and the Navy as a whole.

The Board, however, substantially concurred with the AO, and concluded it was not error for the Reporting Senior to choose to evaluate your performance as observed. Further, noting the block 43 comments that clearly state you had been onboard for less than 30 days and positively describe your performance, the Board determined the EVAL is not unjust. Based on the

available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant removal of the EVAL. 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,

7/19/2022

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by

A black rectangular redaction box covering the name of the Executive Director.