



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: 2741-22

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 14 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 27 April 2022 advisory opinion (AO) provided by the Navy Personnel Command (NPC) (PERS-32) and your response to the AO.

The Board carefully considered your request to modify or remove your fitness report for the reporting period 23 January 2021 to 16 April 2021 by changing the adverse information. The Board considered your contention that the fitness report painted you as a Sailor who has little to no leadership skills, little adherence to the Navy core values, and little contribution to the growth, development, and human worth of the naval community. You also contend that your many years of honorable and dedicated service were disregarded and contradicted, by giving you 2.0 in military bearing and leadership and a 1.0 in command or organizational climate/equal opportunity. You claim that the fitness report low scores were based strictly on the sexual harassment allegations against you; the evaluator did not consider your actual actions during the reporting period but instead allowed one incident to govern the scores; and the incident should not be the defining document of your career for that rating period. You also claim that you refused non-judicial punishment, you were retained at an administrative separation board, and the results of the administrative separation board allowed you to continue pursuing your career within the Navy and further proved your innocence. You further claim that based on everything



you have done for the Naval Reserves and everything clearly stated within the fitness report itself, and the letters written on your behalf by fellow Sailors, the characterization is far from the truth.

The Board, however, substantially concurred with the AO that your fitness report is valid. In this regard, the Board that noted your adverse marks and block 41 reporting senior (RS) comments stating, “[a]n investigation substantiated that . . . sexually harassed an officer he supervised while serving as the command chaplain. His conduct adversely impacted the command’s ability to perform its mission and his shipmate’s ability to conduct her duties. His conduct and leadership fell well short of that expected of an officer of his position and are contrary to good order and discipline. For this reason, he was given a 2.0 in Leadership and Military Bearing/Character and 1.0 in Command or Organizational Climate/Equal Opportunity.” The Board determined that your RS’s comments regarding your misconduct were grounded on reliable evidence and the Navy Performance Evaluation System Manual (EVALMAN) does not preclude the use of facts determined independently to the RS’s satisfaction, i.e., the 26 February 2021 command investigation. The Board also determined that your past performance has no bearing on the contested fitness report since the report only covers the reporting period. Likewise, the Board concluded the findings of your BOI proceeding has no bearing on your fitness report since the RS reasonably relied on the command investigation findings. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting the removal or amendment of the fitness report. Accordingly, the Board found insufficient evidence of error or injustice to 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,

6/29/2022



Executive Director

Signed by: 