



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

██████████
Docket No. 3221-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 23 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 this Board. Documentary material considered by the Board consisted of your applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 16 May 2022 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you on 15 July 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove or modify your fitness report for the reporting period of 16 September 2015 to 15 September 2016 to receive a higher score. The Board considered your contention that the unsubstantiated low score caused the revocation of your Expeditionary Warfare (EXW) Device and will leave a scar on your permanent record. You claim that the extended period of time has negatively impacted your career and that you have not had a mishap in your 20 year career.

The Board, however, substantially concurred with the AO that your fitness report is valid. In this regard, the Board noted that your fitness report is not declining or adverse. The Board also noted that you filed an Article 138 Complaint of Wrongs because you were dissatisfied with the 2.86 trait average. Your complaint was reviewed by the Commander, ██████████ (CDR, ██████████), who noted that your EXW Device was removed as a result of

your trait average falling below 3.00. The CDR, [REDACTED] found that your complaint lacked merit and determined that based on the evidence, your reporting senior (RS) was well-informed, and your RS carefully and deliberately executed your evaluation after receiving input from your chain of command. In consideration of the totality of evidence, the Board determined that your fitness report was written and issued according to the Navy Performance Evaluation System Manual and found no basis to remove or modify your contested fitness report. 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,

9/8/2022

[REDACTED]