



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

██████████
Docket No. 3477-22
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 applications on 12 July 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 Advisory Opinion (AO) provided by the Navy Personnel Command (PERS-32), 23 May 2022 and your rebuttal in response to the AO.

The Board carefully considered your request to remove your Fitness Report and Counseling Record for the reporting period 15 May 2020 to 31 January 2021. The Board considered your contentions that you were told to support another unit without having your official Unit Identification Code (UIC) changed, the Fitrep indicates a periodic report despite it not being from your reporting senior (RS), you were never told or provided written documentation who would be writing your Fitreps, and the Fitrep does not administratively align with your UIC or proper RS.

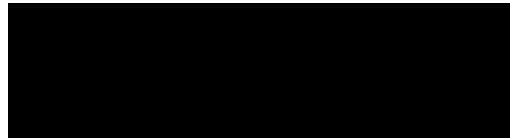
The Board, however, substantially concurred with the AO that the contested Fitrep was valid at the time of issuance and complied with the Navy Performance Evaluation System. In making this finding, the Board noted that you reviewed and acknowledged the contents of the report, signed the report, and chose not to submit a statement. In reviewing your record, the Board could not ascertain whether or not the RS was authorized to submit the Fitrep, however, determined that your current record is a matter of fact and you did not provide sufficient evidence that the RS or your reporting chain acted illegally or improperly in issuing you the contested Fitrep. While the Board took into consideration your response to the AO that you

would be missing a detaching RS Fitrep in your record if the contested Fitrep is not removed, the Board concluded that issue is separate and distinct from the question of whether the contested Fitrep is erroneous. Therefore, the Board concluded insufficient evidence of error or injustice exists to warrant removal of the contested Fitrep. 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,

8/2/2022

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Deputy Director

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