



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

[REDACTED]  
Docket No. 3553-22  
Ref: Signature Date

[REDACTED]  
[REDACTED]  
[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 applications on 19 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) dated 3 June 2022. The AO was provided to you on 13 June 2022. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your Evaluation Report and Counseling Record (Eval) for the reporting period 12 January 2013 to 24 August 2013 and the PERS Memo dated 27 March 2014. The Board considered your contentions that the contested Eval was submitted by the command with multiple errors, the command then submitted a corrected Eval with a different ending date, which was added to your official record, and that you want to ensure there are no discrepancies with your record.

The Board, however, substantially concurred with the AO that the contested Eval was valid at the time of issuance and complied with the Navy Performance Evaluation System (PES). The Board noted that the memo provided by PERS is a matter of record, identifying the errors in the original Eval, and is required to be a permanent part of your record. Although the Reporting Senior (RS) submitted a corrected Eval, the RS failed to address all errors identified in the PERS memo. As such, it is also a matter of record that, in accordance with the Navy PES guidance, must be attached to the original Eval for consistency. The Board concluded that no further

action is warranted and your request is lacking in sufficient evidence of error or injustice warranting removal of the contested Eval from your official military personnel file.

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,

8/8/2022



Deputy Director

Signed by: 