



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. 4990-22
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 application on 14 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board carefully reconsidered your request to modify the block 43 comments on your Evaluation Report and Counseling Record (EVAL) for the reporting period 16 November 2019 to 21 February 2020. Specifically, you requested to remove the words “strongest” and “against future” from the block 43 comments. You contend the EVAL was used to be a “permanent punishment” in addition to the punishment awarded at your 21 February 2020 nonjudicial punishment (NJP). You further contend the harsh verbiage has been detrimental to you and resulted in removing any aspirations of future promotion. Additionally, you contend the Commanding Officer who administered the NJP was not the Reporting Senior (RS) who signed your EVAL and the RS who signed the EVAL was the Chief of Staff and “didn’t know anything about [you].” You further contend that you have shown the EVAL to leaders, ranging from E-7 to O-6, and they have all agreed the EVAL was “back-handed” and “harsh” in a likely attempt to prevent future promotions and end your career. Lastly, you contend that since these events, you reported to a new command, immediately earning the leadership’s trust and receiving promotion recommendations of “must promote” and “early promote” on 2020 and 2021 EVALs.

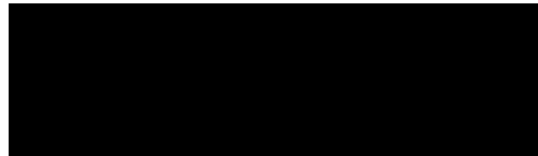
The Board noted your previous request, Docket No. 8062-21, requested correction of block 43 comments but did not specify desired corrections. The previous Board granted relief by

redacting erroneous language in block 43 of the EVAL by removing language regarding an Article 92 violation of the Uniform Code of Military Justice (UCMJ) because the record indicated the NJP was for a violation of Article 107 of the UCMJ.

Due to your specific request for modification, the Board carefully reconsidered your request for relief. The Board reviewed your contentions and record but determined the evidence is insufficient in establishing a material error or injustice warranting the requested redactions. The Board noted you do not contest the behavior which resulted in NJP and determined the RS did not abuse his discretion or authority in his block 43 comments by using the words “strongest” and “against future.” The Board thus concluded there is insufficient evidence of material error 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, _____

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Deputy Director

Signed by: _____