



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: 5799-22

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 4 October 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 16 August 2022 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you on 22 August 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove and replace your fitness report for the reporting period 1 March 2021 to 3 January 2022. You also request to change your Performance Summary Record (PSR) to reflect the updated PSR. The Board considered your contention that block 41 of your fitness report was updated with a higher breakout and that your block 42 promotion recommendation was changed from Promotable (P) to Early Promote (EP). The Board considered your claim that the promotion recommendation on your PSR reads as a "P" with indication of a supplement fitness report. You argue that while it is possible to discern, it

requires sifting through the documentation to discover that your promotion recommendation was EP, and it is a disservice for your PSR not to accurately reflect your performance.

The Board, however, substantially concurred with the AO that your fitness report is valid. In this regard, the Board noted that according to the Navy Performance Evaluation System Manual (EVALMAN), supplemental material does not replace the original report nor does it change the information on the PSR. The Board also noted that according to Navy policy, the promotion selection boards are briefed on supplements to fitness reports and supplementary material is available for their review. The Board determined that there is no injustice since you will be afforded the same opportunity as other Navy members with supplemental material. Therefore, the Board found no basis to grant an exception to policy in your case. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a change to your fitness report or PSR. 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,

[REDACTED]

Executive Director

Signed by: [REDACTED]