



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

██████████
Docket No. 7679-22
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 5 December 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 19 October 2022 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32). The AO was provided to you on 25 October 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 17 August 2021 to 31 October 2021 Fitness Report and Counseling Record (FitRep). The Board considered your contention that the FitRep contained the incorrect Senior Rater as well as your contention that it contains your maiden name.

The Board, however, substantially concurred with the AO that the report is valid as written and filed, in accordance with the applicable BUPERS Instruction guidance. In this regard, the Board noted that a senior rater is not required on O-4 FitReps. Regarding your contention that your name has since changed, the Board noted that at the time the FitRep processed, your name was correct and therefore, the requested relief is not warranted. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting the requested 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,

1/4/2023

