



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. 7825-22
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 7 February 2023. 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 24 January 2023, advisory opinion (AO) provided by the Navy Personnel Command (PERS-32) and your response to the AO.

The Board carefully considered your request to modify your fitness report for the reporting period 16 September 2021 to 24 June 2022 by changing the promotion recommendation from Must Promote (MP) to Early Promote (EP). The Board considered your statement that the reporting senior (RS) marked your previous promotion recommendation EP, but marked your contested/subsequent promotion recommendation MP. You contend that the change to your promotion recommendation constituted a decline in performance, and the RS did not provide comments to justify the drop. You also contend that your Summary Group (SG) remained the same throughout the two reporting periods with two E-8's being rated. You claim that the drop in promotion recommendation jeopardizes future promotion opportunities and can be perceived as adverse according to board precepts and convening orders/directives.

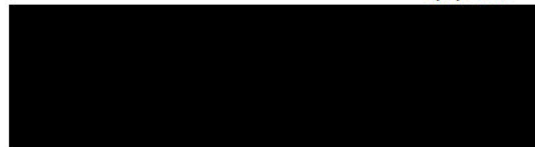
The Board, however, substantially concurred with the AO that your fitness report is valid as written and filed. The Board noted the change to your promotion recommendation and the Fiscal Year 2023 Active Duty Navy and Navy Reserve Senior Enlisted Advancement Selection Board Precept stating that, a "decline in performance also occurs when there is a drop in promotion

recommendation by the same reporting senior on subsequent reports within the same pay grade or promotion status. If comments clearly state it is caused by forced distribution, it is not considered a decline in performance or an adverse evaluation. The Board also noted that your RS submitted a statement to the record explaining that your contested fitness report was for a new SG from the periodic evaluation that ended 15 September 2021 and that your performance trait average did not decline between evaluations. The Board noted, too, that the Navy Performance Evaluation System Manual (EVALMAN), directs RSs to submit supplementary material of changes to the member's promotion recommendation summary group, and the EVALMAN states that "the reporting senior's summary group and cumulative trait grade averages will be available to detailers and selection boards for comparison purposes. The Board determined that the RS's statement, which was submitted according to the EVALMAN provided sufficient justification to prevent any perceptions of a decline in your performance by future selection boards. The Board also determined that although the EVALMAN does not require the RS to provide a statement, it is clear from a SG of two members that your RS was constrained by force distribution. Accordingly, the Board found your evidence insufficient to warrant a modification of your fitness report and concluded that there is no probable material error, substantive inaccuracy, 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,

3/1/2023

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Deputy Director

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