



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

█  
Docket No. 7924-22  
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 20 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 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 1 November 2022 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32) and your response to the AO.

The Board carefully considered your request to remove your fitness report for the reporting period 4 March 2019 to 6 December 2019. The Board considered your contention that the fitness report was received and filed in error. As stated in the memorandum action, the report was submitted in error with multiple administrative errors, and you were never presented with the evaluation. You argue that you also received a Periodic/Regular fitness report from your parent command for the reporting period 16 November 2018 to 15 November 2019 and you do not have any gaps in your evaluation record. You also argue that having the evaluation in your record will affect any chances you have to be selected for Chief Petty Officer within the next few years.

The Board, however, substantially concurred with the AO that your fitness report should be retained as filed. In this regard, the Board noted that according to the Navy Performance Evaluation System Manual (EVALMAN) trait graded Concurrent reports should be submitted when an assignment exceeds 90 days. The reporting period for your contested fitness report covered more than nine months, your fitness report is not adverse, contains positive performance

traits and comments, in addition to a Must Promote promotion recommendation. The Board also noted that PERS-32 returned your fitness report to the reporting senior (RS) due to administrative errors. However, according to the EVALMAN, PERS-32 properly included your fitness report in the official record "as is" because your RS failed to respond to the reject notification after 180 days. The Board determined that the EVALMAN does not require your signature when a fitness report is not adverse, thus your signature was not required. The Board also determined that the impact of the fitness report on future promotions is conjecture and is not supported by evidence. The Board 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,

1/6/2023

