



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

██████████  
Docket No. 8046-22  
Ref: Signature Date

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████████████████  
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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 17 January 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 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 Advisory Opinion (AO) provided by the Navy Personnel Command (PERS-32), 14 November 2022. The AO was provided to you by email on 2 December 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your Evaluation Report & Counseling Record ("Eval") for the reporting period 16 November 2021 to 15 March 2022. The Board considered your contention that the occasion of the Eval "transfer" but that you did not detach from your command on 15 March 2022.

As part of the Board's review, PERS-32 reviewed Petitioner's request and provided the Board with an AO. The AO stated in pertinent part:

"A review of the petitioner's headquarters record reveals the evaluation report to be on .file. The petitioner signed the report acknowledging the contents of the report and the right to submit a statement. The petitioner indicates on the report that I do not intend to submit a statement.

The evaluation report is a Detachment of Individual/Regular report ending 15 March 2022. The petitioner states that the detachment did not occur and remains onboard the command. Requests removal of the report and states that the command will submit E6 periodic evaluation reports ending 15 November 2022 that will cover the period of report.

A review of the, history of assignments indicates the petitioner currently remains onboard [REDACTED] and did not detach. The detachment evaluation report oh file is the most recent report and removal would require another report that accounts for this period. The next scheduled evaluation report would be the 15 November 2022 periodic. Removing the report prior to submission of the upcoming periodic report would require the reporting senior submit supplemental material requesting removal due to being submitted in error. We have no objection to removing the evaluation report upon receipt of either the next scheduled report, supplemental material requesting removal or a directive from BCNR to remove.”

The AO concluded, “[w]e recommend the petitioner's record remain unchanged pending receipt of either specified document or directive from BCNR to remove.”

The Board noted according to the AO, you are still attached to the command and as noted in the AO, the Board determined in order to correct the error, your Command must submit your follow-on Periodic Eval to PERS-32. Upon receipt, you may request directly to PERS-32 to remove the contested Eval. The Board thus denied your request to remove the Eval and determined that your record will remain unchanged, as removing the contested Eval would leave a gap in continuity.

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,

2/14/2023

