



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. 8424-22
Docket No. 8425-22
Docket No. 8426-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your applications 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 applications, 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 applications have been denied.

Although your applications were not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your applications on their merits. A three-member panel of the Board, sitting in executive session, considered your applications on 2 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 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 Opinions (AOs) provided by the Navy Personnel Command (PERS-32) on 15 and 17 November 2022. The AOs were provided to you on 17 November 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.

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

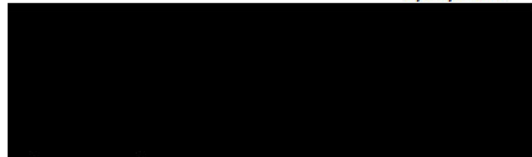
The Board carefully considered your request to modify block 29 of your Evaluation Report & Counseling Record (Eval) for the reporting periods 8 October 2014 to 28 February 2015, 16 March 2017 to 15 March 2018, and 16 March 2018 to 15 March 2019. Specifically, you requested correction of the "LV/TEMADD/TT" dates for each of the reporting periods because the dates were not in the proper format.

The Board, however, substantially concurred with the AOs that the Evals are valid as written because the "LV/TEMADD/TT" periods of time, though incorrectly formatted, are documented and the reader is able to ascertain the periods of time you were in those respective statuses. The Board also noted changes to block 29 require a Letter-Supplement from the original reporting senior in order to revise an Eval. Further, BUPERSINST 1610.10D requires submission of supplementary material within two years of the ending date of an Eval, and the contested Evals all exceed this period. Lastly, the Board substantially concurred with the AO and determined the incorrectly formatted block 29 dates are not an injustice. The Board thus concluded there is insufficient evidence of material errors or injustices warranting your 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,

2/28/2023

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Deputy Director

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