



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. 9128-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 14 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 30 December 2022 advisory opinion provided by Navy Personnel Command (PERS-32), and your response to the advisory opinion.

The Board carefully considered your request to remove your fitness report for the reporting period 2 July 2019 to 5 August 2019. The Board considered your contention that the fitness report was completed without your knowledge and stamped "certified copy provided." You also contend you were not afforded the opportunity to sign the fitness report because you were permanently transferred to a different command. You claim the fitness report is erroneous because you were already issued a fitness report covering the reporting period, and the errors are making it impossible to calculate your performance mark averages. In response to the advisory opinion, you contend the fitness report is also in error because block 45 (promotion recommendation) was left blank.

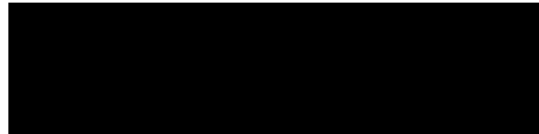
The Board, however, substantially concurred with the advisory opinion that your fitness report is valid and should remain on file. In this regard, the Board noted your fitness report is a partial not observed Detachment of Individual/Regular report submitted by your temporary command. The

Board determined according to the Navy Performance Evaluation System Manual, your reporting senior (RS) was authorized to submit the fitness report, and since the report is not observed or adverse your signature is not required, and your RS was not required to include a promotion recommendation. The Board found no evidence that the contested fitness report is affecting your advancement to E-7 and you provided none. Accordingly, the Board concluded 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,

3/8/2023

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Deputy Director

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