



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

█  
Docket No. 511-23  
Ref: Signature Date

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Dear █

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 28 March 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). The AO was provided to you on 21 February 2023. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your Evaluation Report and Counseling Record (Eval) for the reporting █. The Board considered your contentions that the contested Eval is a concurrent Eval that your parent command decided not to sign and submit. You assert that while you were in a temporary additional duty (TAD) status, the TAD command submitted the Eval without your commanding officer's (CO) signature. Your parent command's intention was to submit a 'Periodic' Eval covering the same periods.

The Board, however, substantially concurred with the AO that the contested Eval was valid at the time of issuance and complied with the Navy Performance Evaluation System (PES) Manual. In this regard, the Board determined that you were under the cognizance of the concurrent reporting senior and, per PES Manual guidance, he was authorized to submit a detachment Eval. The Board agreed with the AO that your reporting senior is not authorized to submit another regular report and the concurrent report should remain on file. The Board thus concluded that no further action is warranted and your request is lacking in sufficient evidence of a material error

or injustice, or substantive inaccuracy warranting removal of the contested Eval from your official military personnel file. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

4/20/2023

