



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. 1305-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 30 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 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 Advisory Opinion (AO) provided by the Navy Personnel Command (PERS-32). The AO was provided to you via email, on 23 February 2023, and you were given 30 days in which to submit a response. When you did not respond, your case was submitted to the Board for consideration.

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 remove your periodic Fitness Report & Counseling Record (FITREP) for the reporting period 1 November 2020 to 31 October 2021 and the FITREP for 21 November 2021 to 4 August 2022. You contend the FITREPs, both from the same Reporting Senior (RS), should be removed due to factual inaccuracies. Specifically, you contend the report ending 31 October 2021 is in error for the following reasons: 1) The block 35 trait score is not substantiated in the comments; 2) Block 41 does not reflect verified actions; 3) You have never abused or done anything wrong with government property; 4) Your eligibility for access to classified information and/or assignment to duties designated security sensitive has never been revoked because you have always "maintained [your] eligibility; 5) You have met and exceeded standards in every other trait; and 6) As a Field Grace Officer, you were rated a 5.0

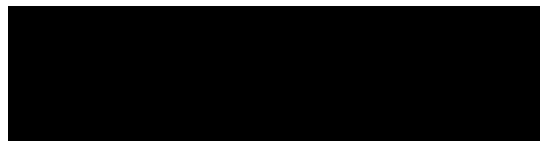
for professional expertise and knowledge. Further, you contend the following errors/injustices exist in your report ending 4 August 2022: 1) Block 41 verbiage – “continuation not recommended” – is not congruent with a trait average of 3.0 and a “promotable” promotion recommendation and 2) All trait scores were a 3.0 in each category, never “below standards/progressing” or “UNSAT” so “continuation not recommended” does not correlate. The Board also considered the 31 January 2023 letter you sent to PERS-32 regarding the two fitness reports, to include the four enclosures.

The Board, however, substantially concurred with the AO, and concluded the FITREPs are valid reports that should remain in your Official Military Personnel File. Specifically, with respect to the FITREP ending 31 October 2021, the Board noted BUPERSINST 1610.10E requires 1.0 grades to be specifically substantiated and, since block 35 is marked “2.0,” the Board concurred with the AO that the alleged lack of substantiating comments is not in error. Further, the Board substantially concurred with the AO, and determined there was insufficient evidence of an error or injustice to establish the RS erred by including actions that were not “verified.” The Board also substantially concurred with the AO’s recommendation regarding the FITREP ending 4 August 2022, and determined your contentions that the verbiage was “not congruent” and did “not correlate” were without merit. The Board agreed with the AO’s rationale that you failed to provide any substantiating evidence that the RS acted illegally, improperly, or without rational support, in drafting the fitness reports. Therefore, based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant removal of the fitness reports. 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,

4/21/2023



Deputy Director

Signed by: 