



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. 1503-23
Ref: Signature Date



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 28 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 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 14 December 2022 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32) and your response to the AO.

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

The Board carefully considered your request to modify your Performance Summary Record (PSR) to reflect 'W4' vice 'W3' for the reporting periods ending 1 April 2018 through 31 March 2021. The Board considered your contentions that a special selection board (SSB) selected you for promotion to Chief Warrant Officer 4 (CWO4) on 9 June 2021 and your date of rank was back dated to 1 November 2018 in all of the naval databases. You assert that there are five pay grade blocks on your PSR that were not updated and incorrectly reflect 'W3'. In response to the AO, you claim that your current PSR does not represent a substantially accurate, complete and fair portrayal of your career. You also claim that this material administrative error will deprive you of fair and impartial consideration.

The Board, however, substantially concurred with the AO that your record should remain unchanged. In this regard, the Board noted that each fitness report issued prior to the SSB was valid when submitted and accurately evaluated your performance while serving in the grade CWO3. The Board determined that the Navy Performance Evaluation System Manual does not provide provisions to change a member's rank on evaluations when their date of rank is changed as the result of a SSB. The Board also determined that your PSR, as is, is not a material error. Your PSR properly documents your performance, in grade, at the time your performance was evaluated and rated against other sailors of the same grade. Moreover, the Board determined your argument that you will be deprived of fair and impartial consideration during future boards is not supported by any evidence. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

3/21/2023

