



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. 2066-23
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.

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 application on 27 April 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 March 2023 advisory opinion (AO) provided by the Navy Personnel Command (PERS-32). The AO was provided to you on 16 March 2023 and although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the evaluation report for the reporting period 16 November 2018 to 20 September 2019. The Board considered your contention that the evaluation report was submitted in violation of force distribution rules. Specifically, the summary group did not contain all evaluation reports that shared the same summary group characteristics.

The Board substantially concurred with the AO that your evaluation report was properly filed according to the Navy Performance Evaluation System Manual (EVALMAN). In this regard, the Board noted that PERS-32 received your evaluation report and returned the report to the reporting senior (RS) for correction due to a force distribution error. However, when no response was received after 180 days, the evaluation report was accepted and filed in your record with a Fitness Report/Enlisted Evaluation Memorandum Entry noting that the summary group did not contain all reports sharing the same summary group characteristics. The Board also noted that the

EVALMAN authorizes the inclusion of evaluation reports with a memorandum due to no response from the RS after 180 days. The Board determined that the memorandum properly documented the error and your evaluation report was properly filed according to the EVALMAN. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the evaluation report in question. 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,

5/17/2023

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Deputy Director

Signed by: █