



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



Docket No. 3064-23
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 applications on 30 May 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 19 April 2023 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32). 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 Fitness Report & Counseling Record (Fitness Report) for the reporting period 6 May 2022 to 17 October 2022. The Board considered your contentions that unless the Fitness Report is removed in its entirety, the "progressing" promotion recommendation will appear on your Performance Summary Report (PSR) regardless of the Letter-Supplement. The Board also considered your contention that the Fitness Report was submitted without a debrief or the ability to sign the Fitness Report.


The Board, however, substantially concurred with the AO that the Fitness Report is valid as written and filed, in accordance with the applicable Navy Performance Evaluation System (PES) guidance. Specifically, the Board noted that the eval was not adverse or declining. Further, the Board noted that your Reporting Senior submitted a Letter-Supplement on 10 January 2023 that made a correction to block 42 of the original Fitness Report pursuant to Chapter 15 of BUPERSINST 1610.10F. As explained in the AO, a notation will be made on your PSR to indicate supplementary material was submitted with the fitness report.

In regards to your contention that the Fitness Report was submitted without a debrief or the ability to sign your Fitness Report, the Board determined that you provided insufficient evidence in support of this contention. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness 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,

6/8/2023


Executive Director
Signed by: 