



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

██████████
Docket No. 8639-23
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 applications on 19 December 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 18 October 2023 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32) and your response.

The Board determined that your personal appearance, with or without counsel, would 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 remove your Fitness Report and Counseling Record (Fitrep) for the reporting period 1 February 2023 to 30 April 2023. The Board considered your contention that the Fitrep was mistakenly submitted by the reporting senior (RS), who requested PERS-32 remove the record, but was told to submit to the Board even though both parties agreed that it should be removed.

The Board, however substantially concurred with the AO that the Fitrep complies with the Navy Performance Evaluation System (EVALMAN) and is valid as issued. The Board noted that your request constitutes administrative actions per the EVALMAN and since the challenged Fitrep is within two years from the ending date, corrections can be made by the submission of a Letter-Supplement by your RS. The Board further noted that you provided insufficient explanation as

to why the Fitrep should be removed. The Board concluded that no further action is warranted and the RS should take appropriate action noted above.

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,

1/18/2024

