



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

█  
Docket No. 10744-23  
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 27 February 2024. 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 5 January 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32) and your response to the AO.

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 replace your original Fitness Report for the reporting period 1 November 2022 to 6 April 2023 with the corrected copy for the same. The Board also considered request to update your Performance Summary Rating (PSR) to accurately reflect that your performance was above the Reporting Senior Cumulative Average (RSCA). The Board considered your contention the original fitness report contained an incorrect member trait average 4.00 and the corrected fitness report with the member trait average 4.17 was later submitted. Finally, the Board considered your contention that updating your PSR to match the rated performance and removal of the original fitness report will ensure when your record is reviewed by future promotion boards that only correct information is present.

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. In this regard, the Board noted that according to BUPERSINST 1610.10E (EVALMAN), after a Fitness Report has been filed in the Official Military Personnel File, it may be modified only through administrative change or the addition of supplementary material. Further, the Board noted that supplemental material does not replace the original report on the member's OMPF nor does it change the information on the member's PSR; it only supplements the original report. In response to the AO, you further assert that the original fitness report should be removed because your command submitted the fitness report without your signature while you were physically present and attached to the command. However, the Board determined although a member's signature is desired, the RS properly submitted the Letter-Supplement to make corrections the original report and a notation will appear on your PSR to indicate that supplementary material has been placed in the image file.

In regard to your contention updating your PSR will ensure correct information is present by future promotion boards, the Board noted pursuant to the chapter 15 of the EVALMAN, Selection boards are briefed that any supplemental changes are the report of record and should disregard the evaluative information on the original report. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the original fitness report or modification to your PSR. 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,

3/11/2024

