



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

[REDACTED]
Docket No: 493-17

JAN 09 2018

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2017. 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. Additionally, the Board considered the advisory opinion (AO) provided by the Navy Personnel Command (PERS-32) dated 23 May 2017, a copy of which was previously sent to you. See enclosure.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice to remove your fitness report covering the period of 27 June 2009 to 28 February 2010. The Board considered your contentions that block 41 did not accurately reflect your performance during the reporting period and failed to substantiate grades assigned to blocks 34, 35, and 38. The Board also considered your contentions that no other shortcomings were addressed during the reporting period and you were never counseled during the five-day underway. Lastly, the Board considered your contention that the fitness report was a "vindictive measure intended to unjustly harm your career" and resulted in your failure of selection to O-4. The Board substantially concurred with the AO and concluded there is no indication the Reporting Senior acted for illegal or improper purposes or that the fitness report lacked rational support. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,


Executive Director