



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. 720-24
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 application on 16 April 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 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 29 January 2024 advisory opinion (AO) provided by the Navy Personnel Command (PERS-32). The AO was provided to you and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 the fitness report for the reporting period 21 January 2022 to 31 January 2022. The Board considered your contention that the reporting period was exactly ten days. According to the Navy Performance Evaluation System Manual (EVALMAN), not observed (NOB) reports are suitable for periods over ten days whereas periods less than ten days may be assessed by a performance information memorandum (PIM).

The Board, however, substantially concurred with the AO that your evaluation report is valid as written and filed, in accordance with the applicable Navy Performance Evaluation System Manual (EVALMAN). In this regard, the Board noted that you acknowledged the evaluation

report and indicated, "I do not intend to submit a statement." The Board also noted that the fitness report is not adverse, contains no adverse performance traits, comments, or promotion recommendation. According to EVALMAN, observed reports are desired if a fair and meaningful evaluation or recommendation can be made. The Board determined that your Reporting Senior acted with his/her discretionary authority when he/she elected to submit an observed report. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report. 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,

4/29/2024

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