



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

█  
Docket No. 1247-24  
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 21 March 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 9 February 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS 32). The AO was provided to you on 12 February 2024, 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.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your implied request to remove the fitness report for the reporting period 22 May 2023 to 31 October 2023. You contend this report, which lists █ as the Reporting Senior (RS), was submitted by the command in error. Further, you contend the fitness report you submitted as supporting documentation “will be submitted by the command as replacement.” The Board noted the fitness report you supplied indicates it is both a “Regular” and “Concurrent” type of report, is signed in block 47, and lists █ as the RS.

The Board, however, noted PERS-32 found the report submitted by █ to be valid and contained within your Official Military Personnel File. The Board also substantially

concluded with the AO's discussion that you did not provide any documents supporting your contention [REDACTED] is the correct RS, that the report signed by him is a valid report, or that the contested report is invalid. As a result, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested 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,

4/5/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]