



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

█  
Docket No. 1999-24  
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 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 4 March 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your Fitness Report & Counseling Record (Fitness Report) for the reporting period 18 January 2023 through 16 July 2023. The Board considered your contentions that the fitness report was not applicable because you did not detach from Temporary Additional Duty (TEMADD) Command and the regular reporting cycle for O-2's will cover the period starting the day after your previous periodic fitness report ending 29 February 2023.

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 AO noted that the fitness report was signed by the concurrent reporting senior (RS) and countersigned by the regular RS within a month of the ending date of the report in accordance with applicable policy. Further, PERS-32 could not determine whether you detached from TEMADD command and you provided insufficient evidence in support of your claim. Thus, the Board concluded there is no probable material error, substantive

inaccuracy, or injustice warranting removal of the fitness report in question. 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,

5/8/2024

