



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

██████████
Docket No. 3676-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 23 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 12 April 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32).

The Board carefully considered your request to replace your original Fitness Report for the reporting periods 18 July 2018 to 31 January 2019, 1 February 2019 to 30 November 2019, and 1 December 2019 to 17 September 2020 with the Not Observed Reports you provided. The Board considered your contentions that you were competitively selected for the ██████████ ██████████ at the ██████████ and that your unit submitted observed fitness reports for the periods indicated despite agreeing to follow COMNAVIFORES NOTICE 3966 as part of their endorsement. The Board also considered your assertion that you were unable to complete voluntary drill periods with the unit while enrolled.

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 the Reporting Senior elected to submit observed reports at his discretion during those times, which was within his rights and authority to do so. Further, the Board noted the reference you provided is dated 18 May 2021 and the reports in

question were submitted before the notice became effective. Also, the reference states that members will receive reports from their assigned Reserve Unit Identification Code but may be unobserved, depending on involvement in the unit operations.

Moreover, the Board noted pursuant 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 the NOB fitness reports you provided were from a different Reporting Senior. Therefore, the Board determined that you have not exhausted your administrative remedies by first requesting the original Reporting Senior to submit a Letter-Supplement to make corrections to the original fitness reports. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

5/17/2024

