

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

> Docket No. 4766-24 Ref: Signature Date



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 11 June 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 1 May 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32). Although you were afforded the opportunity to submit a response, you chose not to do so.

The Board carefully considered your request to remove your Evaluation Report & Counseling Record (Eval) for the reporting period 20 February 2023 to 22 May 2023. The Board considered your contention that the Eval was submitted by the schoolhouse and overlaps with your periodic report submitted by your [Parent] Command,

The Board, however, substantially concurred with the AO that the Eval is valid as written and filed, in accordance with the applicable Navy Performance Evaluation System (PES) guidance. In this regard, the Board noted that Not Observed (NOB) reports are submitted to document short periods of duty or for administrative or training purposes during which the member's performance is completely independent of their parent command. In your case, you attended "C" school for 13 weeks under active-duty training orders while still assigned to a Navy Reserve Center. The AO further notes the contested Eval does not cause an overlap due to block 5 being marked differently from the regular reports submitted by the reserve command. Thus, the Board 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,

