



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

██████████  
Docket No. 5523-24  
Ref: Signature Date

██  
██  
██

Dear ██████████

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 9 July 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 22 May 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 concurrent Evaluation Report & Counseling Record (Eval) for the reporting period 10 November 2008 to 17 March 2009. The Board considered your claim that the Eval was not required and submitted in error due to overlap and continuity issues. You also assert that the information contained within the Eval was also contained in your periodic Eval for the reporting period ending on 15 March 2009, further justifying removal of the contested Eval.

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 the reporting senior (RS) accurately prepared and submitted the concurrent fitness report in accordance with BUPERSINT 1610.10E (EVALMAN). Finally, the AO notes the decision to submit a trait graded evaluation report upon detachment from the command is at the discretion of the concurrent reporting senior and within his authority to do so.

Finally, the Board noted the Eval is adverse and contains adverse performance traits and comments. Thus, the Board concluded 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,

7/15/2024

