



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

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Docket No. 6071-24
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 application on 20 August 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 10 June 2024 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you on 9 July 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove and replace the evaluation report for the reporting period 1 November 2019 to 23 July 2020 and to correct your Performance Summary Report (PSR). The Board considered your contention that due to a clerical error, an incorrect version of the fitness report was uploaded. You claim the peer grouping was incorrect and a corrected version of the fitness report was created, but never uploaded. You also contend the PSR should be corrected because it informs promotion boards, so the promotion board is working with correct data. As evidence, you provided correspondence from your Reporting Senior (RS) to the Fiscal Year 2024 promotion selection board.

The Board, however, substantially concurred with the AO that your fitness report was properly filed in your official record according to the applicable Navy Performance Evaluation System Manual (EVALMAN). In this regard, the Board noted the corrected fitness report, however you omitted a supplemental letter from the original RS. According to the EVALMAN, a Letter-

Supplement and revised fitness report from the original RS to make a change or to correct the original fitness report. The Board considered your RS's correspondence to the promotion board indicating a clerical error occurred; the Board, however, determined that correspondence to promotion boards are not tantamount to requests for corrections to an official record. Moreover, the EVALMAN provides the RS two years from the ending date of a report to submit a Letter-Supplement, but he failed to do so. 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,

9/6/2024

