



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

██████████
Docket No. 6266-24
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 applications on 23 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 12 June 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 Detachment of Individual/Regular Fitness Report & Counseling Record (Fitness Report) for the reporting period 1 November 2023 to 31 March 2024. The Board considered your contention that you had an approved separation date and were scheduled to transition to the reserves, but due to family events, you decided to pull your separation orders and remain on active duty. You assert the fitness report was mailed to PERS prior to making your decision to stop the separation process and remain on active duty.

However, the Board substantially concurred with the AO that the Fitness Report is valid as written and should remain on file, in accordance with the applicable Navy Performance Evaluation System (PES) guidance. In this regard, the AO noted, upon review of your official record, there were no documents in your Official Military Personnel File (OMPF), and you provided none, indicating that you rescinded your separation orders to remain on active duty. Furthermore, the Board noted a DD Form 214 in your official record with a separation date of 31 March 2024. Thus, the Board determined, you provided insufficient evidence that you rescinded your separation orders to remain on active duty or that the Fitness Report was issued in

error. 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 record shall remain unchanged.

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,

8/7/2024

