



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. 6747-24
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 13 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 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 3 July 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your fitness report for the reporting period 8 October 2022 to 6 July 2023. The Board considered your contention that the comments on the fitness report are incorrect and unjust and they do not reflect your accomplishments or efforts. The Board also considered your claim that there was no evidence of wrongdoing on your part. The Board also noted your 7 June 2024 statement to the record concerning the above contested fitness report.

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 BUPERSINST 1610.10F (EVALMAN) allows the reporting senior (RS) to provide comments when they are a significant part of a members duties or displays particularly strong or weak performance. In your case, you received 1.0 and 2.0 performance traits and "significant problems" promotion recommendation. In block 41 of the fitness report, the RS provided comments concerning your failure of adherence to orders, maintaining accountability, and concerning your leadership of others. The AO further

noted that you provided a statement; however, you did not include an endorsement letter from the RS. Finally, the AO noted, and the Board agreed, that you did not include any documents or records that support your allegations of the fitness report being unjust or incorrect. 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,

8/26/2024

