

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

> Docket No. 9859-24 Ref: Signature Date

Dear	
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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 19 November 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 7 October 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32).

The Board carefully considered your request to modify your Fitness Report and Counseling Record (Fitness Report) for the reporting period 1 July 2019 to 30 November 2019. Specifically, you request to modify Block 8 to reflect "Selected" and also request Blocks 42 and 43 be modified to reflect Early Promote. The Board considered your contentions that the fitness report was created and submitted on your behalf after you had already departed the command and that it was mistakenly written as an O-3 fitness report and shows you ranked with other O-3 members in the summary group.

However, the Board substantially concurred with the AO that the Fitness Report is valid. In this regard, the Board noted pursuant to BUPERSINT 1610.10D (EVALMAN), once a fitness report has been filed in the Official Military Personnel File it may be modified only through an administrative change or the addition of supplementary material. The Board further noted a change to blocks 8, 42, and 42 are supplemental and requires a Letter-Supplement from the original reporting senior within two years after the ending date of the report. After careful consideration of your contentions and the requested relief, the Board determined, beyond your

personal statement, you provided insufficient evidence to conclude the requested changes were warranted. The Board further noted there was insufficient evidence that you were selected or that the reporting senior marked you in the wrong summary group. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the original fitness report or modification to your Performance Summary Record. 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.

12/23/2024

Sincerely,