



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

██████████
Docket No. 10293-24
Ref: Signature Date

████████████████████
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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.

A three-member panel of the Board, sitting in executive session, considered your applications on 3 December 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 ████████████████████ Advisory Opinion (AO) provided by Navy Personnel Command (PERS-32), and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your Fitness Report & Counseling Record (fitness report) for the reporting period 1 November 2023 to 23 August 2024. The Board considered your contention that the fitness report was [originally] submitted as “certified, copy provided” in the member’s signature block despite being adverse, in violation of BUPERSINST 1610.10F. You further allege that Block 41 of the fitness report contains an inaccurate statement regarding the suspension of your security clearance, and per your Member Data Summary, your security clearance remains valid. In response to the AO, you provided an e-mail from the ████████████████████ (██████) ████████████████████ Executive Officer (XO) dated 8 August 2024, which directed you to sign and return the fitness report by 15 August 2024 otherwise indicating that it would be submitted as “certified, copy provided” which you claim demonstrates the intent to improperly submit the adverse report without your signature. You also argue that the fitness

report was submitted while you were out of town, preventing you from reviewing the report and submitting a statement.

The Board, however, substantially concurred with the AO that the fitness report is valid as written and filed, in accordance with the applicable Navy Performance Evaluation System (EVALMAN) guidance. In this regard, the Board noted that the EVALMAN requires the Reporting Senior (RS) to enter an explanatory phrase in the signature block when a member refuses to sign. In this case, the RS entered "Member refused to sign" consistent with policy. The Board noted, too, in an e-mail dated 30 October 2024, PERS-32 stated that they do not have the capability to alter the signature block of a submitted report, and they would have rejected an adverse report that had "certified, copy provided" and would have sent it back to the RS for correction. The Board considered the e-mail from the [REDACTED] XO, however the Board determined it does not substantiate an error in the fitness report's submission. The Board noted although the e-mail indicated an initial intent to submit the fitness report with "certified, copy provided," the final fitness report correctly reflects "Member refused to sign." Moreover, the Board determined your absence at the time does not absolve you of the obligation to review the fitness report or prevent you from submitting a statement, should you desire to do so. The Board further noted the EVALMAN provides a two-year window for service members to submit a statement to the record regarding any fitness report, allowing you to address perceived errors or inaccuracies.

The Board considered your claim that Block 41 inaccurately reflects the suspension of your security clearance. However, the Board noted the comments in Block 41 reflect findings of a completed [REDACTED], noting the suspension of your access to [REDACTED] spaces and systems. The Board determined the Member Data Summary you provided does not contradict these findings, as it pertains only to your overall security eligibility, not the specific suspension of [REDACTED] access. The Board determined other than your statement, your claims lack sufficient evidentiary support. Thus, the Board 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,

1/23/2025

[REDACTED]