



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

██████████  
Docket No. 10397-24  
Ref: Signature Date

██  
██  
██

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 14 January 2025. 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 24 October 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 for correction to multiple Evaluation Reports (Evals) for the following reporting periods: (1) 10 July 2021 to 15 November 2021, (2) 16 November 2021 to 15 November 2022, and (3) 16 November 2022 to 15 November 2023. The Board considered your claims that unsubstantiated declining performance Evals have negatively impacted your promotion prospects. Next, you contend that the prior Commanding Officer (CO) that signed Evals was relieved for cause. Finally, the Board considered your claims that according to the letter you provided, the prior CO indicated that your performance Evals were marked down due to medical reasons which runs counter to BUPERINST 1610.10F (EVALMAN).

The Board, however, substantially concurred with the AO and determined that the contested evaluation reports are valid as written and filed in accordance with the applicable Navy Performance Evaluation System Manual (EVALMAN). In this regard, the Board noted that Evals are not adverse. Next, the Board noted the EVALMAN states that a decline in performance is defined as receiving lower grades on two or more performance traits in the same

paygrade by the same RS on subsequent reports. Further, the Board noted a change in promotion recommendation caused by forced distribution is not considered a decline in performance. In your case, the only declining performance report is the report ending 15 November 2022. However, the RS justified the decline in performance in block 43 pursuant to the EVALMAN. Regarding your contention that the CO that signed the Evals was relieved, the Board noted this does not invalidate the contested reports. 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,

2/27/2025

