



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

██████████
Docket No. 10523-24
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 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 29 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 Evaluation Reports (Evals) for the following reporting periods: (1) 7 August 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 letter to the Reporting Senior (RS) as well as your claims that the contested Evals do not reflect your sustained superior performance, which you assert, limits your ability to promote. Additionally, you claim certain summary groups were erroneous because the RS did not sign all of the Evals and was relieved for cause. Finally, the Board considered your assertion that a record scrub of by your current chain of command brought to your attention that many records from the prior RS have errors and do not meet the requirements of BUPERINST 1610.10F (EVALMAN).

The Board, however, substantially concurred with the AO and determined that your Evals are valid as written and filed in accordance with the applicable Navy Performance Evaluation System Manual (EVALMAN). In this regard, the Board noted that contested Evals are not adverse. First, concerning the report ending 15 November 2021, the Board noted

pursuant to the EVALMAN, under unique circumstances, a reporting senior may submit a NOB report for any period if the reporting senior does not feel that there has been enough observation to grade with confidence. In this case, the RS stated you spent a year on active-duty mobilization and just recently returned. Next, for the reports ending 15 November 2022 and 15 November 2023, the Board noted the EVALMAN allows the RS to provide specific comments when they are a significant part of the member's duties or displays particularly strong or weak performance. Further, the Board noted in block 43 there are no adverse comments, and the RS makes recommendations for promotion to E-7 on both reports. Next, the Board considered your contention the CO who signed the Evals was relieved for cause; however, the Board noted this does not invalidate the contested reports. Lastly, making supplemental changes require a Letter-Supplement from the original RS and a revised report signed by the original RS. However, the Board noted you did not provide a favorable endorsement from the RS and it gave substantial consideration to the 22 September 2024 email from your RS indicating that she would not change any of your Evals. 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

