



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

█  
Docket No. 11410-24  
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 4 February 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 13 December 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 to remove your Fitness Report and Counseling Record (Fitness Report) for the reporting period 1 March 2021 to 31 January 2022. Specifically, you contend that the report should be removed due to a reference of your pregnancy in Block 41 comments. In your letter to the Reporting Senior (RS), you further claim that you did not receive a copy of the report until months after it was signed and, therefore, did not have the opportunity to make a statement to the record or ask for an Immediate Superior in Command (ISIC) review prior to its submittal to the record. Finally, you also requested the RS re-evaluate the performance traits to not be negatively influenced by the fact that you were pregnant and gave birth during this time-period. You also requested any reference to “convalescent leave” regarding your pregnancy and delivery be removed from Block 41 comments for the contested report.

However, the Board substantially concurred with the AO that the Fitness Report is valid. In this regard, the Board noted BUPERSINT 1610.10F (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. In your case, the RS gave you non-adverse performance traits and provided non-adverse comments in Block 41 of the fitness report. Further, the Board noted, although the comments indicate that you were on convalescent leave, there is no mention of medical issues, pregnancy or illnesses in violation of the policy. The Board also noted the RS provided a response to your request and provided you with clarification concerning the use of “convalescent leave” as well as how the report was graded. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report. 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,

2/27/2025

