



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

Docket No. 11802-24  
Ref: Signature Date

Dear [REDACTED],

This is in reference to your Request 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 application on 11 March 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 application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies. The Board also considered the 18 December 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS 32). The AO was provided to you on 18 December 2024, and you were given 30 days in which to submit a response.

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 two fitness reports, one covering the period 1 February to 31 October 2023, and the second covering the period 1 November 2023 to 16 March 2024. You contend these reports are erroneous because they contain factual inaccuracies, you did not properly receive verbal or written counseling, and your performance during the time period warranted higher marks. You further contend you were wrongly retaliated against due to your Inspector General claim against your commanding officer.

The Board noted for your fitness reports you received non-adverse performance traits and comments by the reporting senior (RS). Moreover, you received "Must Promote" promotion

recommendations for both reports. Consequently, the Board concurred with the AO that formal counseling was not required. In addition, the Board determined there was insufficient evidence to support your contention that the RS acted for an illegal or improper purpose or that the fitness reports lacked rational support. Consequently, the Board found that you did not furnish sufficient evidence to substantiate your contention that the evaluations were unfair or that the RS acted improperly and concluded that the evaluations shall remain in your record.

Finally, the Board noted that your IG complaint is still in the process of review and there is no outcome regarding this claim. The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC §1034. 10 USC §1034 provides the right to request Secretary of Defense review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoD policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a de novo review and under 10 USC 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR, therefore, please also include previously presented documentation that supports your statements.

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,

3/31/2025

