



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

██████████
Docket No. 738-25
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 application on 4 June 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, as well as the ██████████ advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you on 24 April 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to modify your fitness report for the reporting period 1 February 2023 to 31 January 2024 by removing the block 41 statement, "Urinalysis positive result for cocaine reported on 08 March 2023." You also request to change the block 35 performance trait for 'Military Bearing/Character' from 2.0 to 3.0. The Board considered your contention that your Reporting Senior (RS) violated the Navy Performance Evaluation System Manual (EVALMAN) by improperly commenting on a positive urinalysis result and commenting on an ongoing matter. You claim that a Board of Inquiry (BOI) unanimously found that you did not knowingly or wrongfully use cocaine when presented with complete information the RS neglected to collect.

The Board substantially concurred with the AO and determined that your fitness report is valid as written and filed according to the applicable EVALMAN. In this regard, the Board noted in March 2023, your urine sample tested positive for cocaine. Your Commanding Officer subsequently directed a Preliminary Inquiry (PI) that found no evidence of any mitigating or

exonerating circumstances and concluded that this appears to be wrongful use of a prohibited substance, caught during a random and routine urinalysis. The Board also noted that the Show Cause Authority directed you to show cause for retention. Your BOI unanimously found that the preponderance of evidence did not support a basis for separation. The Board determined that your BOI was a separate process and was not a continuation of the reporting period. Pursuant to Title 10 U.S.C. Section 1182, BOIs are convened to receive evidence and make findings and recommendations as to whether an officer on active duty should be retained on active duty. The scope of your BOI was to form findings and recommendations that provide a basis for separation for cause and for you to present matters favorable to your case. Moreover, the BOI's recommendation for retention is not tantamount to a finding that your positive urinalysis for cocaine was not knowing or wrongful and the BOI decision has no bearing on your RS's authority to document confirmed illegal drug use. In this regard, the EVALMAN directs RSs to consider and comment on misconduct that has been established through reliable evidence to their satisfaction and requires RSs to document confirmed illegal drug use or possession. The Board thus 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,

6/16/2025

