



Docket No. 1859-25  
Ref: Signature Date

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 3 September 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) provided by the Navy Personnel Command (PERS 32) on 3 March 2025. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to “scrub” the fitness report for the reporting period 1 November 2021 to 12 July 2022 from your performance summary report. You contend the report was not substantiated by a nonjudicial punishment and “the investigations that influenced this [fitness report’s] rating, promotability, and remarks returned with no findings of misconduct.” You further explain that the report has affected your competitiveness, causing you to not be selected for promotion the last two years.

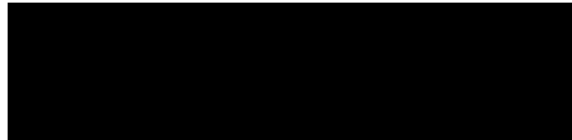
The Board, however, concurred with the AO and determined there is insufficient evidence of an error or injustice in the contested report. The Board specifically noted the fitness report, which was issued while you were the Executive Officer of a Transportation Battalion, does not mention misconduct. Further, the Board noted you availed yourself of the opportunity to submit a statement and, after reviewing your statement, the Reporting Senior (RS) specifically stated his rating decision remained the same. The Board carefully considered the documentation you submitted, specifically the Report of No Misconduct/Substandard Performance, and noted Commanding Officer (CO), [REDACTED], made the determination of no

misconduct/substandard performance related to an allegation of an inappropriate relationship between you and a civilian female. However, the Board determined the CO's determination of no misconduct/substandard performance was not dispositive in determining the accuracy of your overall performance during the reporting period or the fitness report in question. Further, since the CO was not the RS of the contested report, the Board determined his were findings were not binding on the RS's determination that your performance was substandard during the reporting period. Thus, based on the available evidence, the Board concluded there is insufficient evidence of material error or injustice warranting removal or modification of the fitness report in question. 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,

9/12/2025

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Executive Director

Signed by:

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