



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

█  
Docket No. 3428-25  
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 11 December 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 6 June 2025 advisory opinion (AO) provided by Navy Personnel Command. The AO was provided to you on 11 June 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal to the AO, you did not do so.

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 correct the fitness report covering the period of 19 September 2022 to 15 November 2022 from an "observed" report to a "not observed" (NOB) report, along with your contentions 1) That the period of observation did not meet the minimum required time; 2) That it was submitted to allow others to get better evaluations; and 3) That the correction will raise the Performance Marks Average (PMA) points, allowing you to become board-eligible, make rank, and submit a Limited Duty Officer (LDO) package.

After careful review, the Board concurred with the AO in its finding that the report in question is a Periodic/Regular report that is on file and properly entered into your record. Regarding your request to change the report, pursuant to BUPERSINST 1610.10F, the EVALMAN, the original Reporting Senior (RS) may submit supplementary material for a report within two years after the ending date of the report, but such supplemental material neither replaces the original report on file, nor information on the member's Performance Summary Record (PSR). The report you would like to change has an ending date of 15 November 2021, and thus it falls outside the two year window for change through the additional of supplemental material.

Regarding your contention that the period of observation for the report was insufficient, the Board found your contention lacks merit. Although your report covers the period of 19 September 2022 through 15 November 2022, which, as you state, does not exceed 90 days, review of your record indicates you had been on board the command since 2 August 2021. The Board noted that the EVALMAN states, "grade NOB if there has not been enough observation to grade with confidence." It further states, "NOB reports are intended to fulfill reporting requirements during periods of service when a detailed assessment cannot be provided." In your case, since you were already on board the command since 2 August 2021, the Board concluded your Commanding Officer (CO) was likely able to grade you with confidence, despite the short window of the report itself. The Board found this conclusion was further supported by the content of the report itself. The report appears to be sufficiently detailed, including scoring marks in all categories and a three paragraph block 43 write-up. Thus, the Board concluded your CO was able to, and did in fact, grade you with confidence, and that this was not the sort of situation where a not-observed report would be appropriate. The EVALMAN additionally states, "periods from 10 to 90 days *may* be a NOB," but does not require reports of such duration to be NOB. In short, it is the CO's discretion. Regarding your contention that the report was issued to allow others better evaluations, the Board noted you did not provide any evidence in support of this contention and concluded it was mere speculation. Lastly, the potential impact on a member's future career potential is not an acceptable reason to change an otherwise valid report. As such, the Board found your application did not meet the burden of proof or show by preponderance of the evidence probable material error, substantive inaccuracy, or injustice, and concluded your request should be denied.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/31/2025

