



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

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Docket No. 4215-25
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 (the 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 17 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 25 April 2025 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32) and your response to the AO.

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 your fitness report for the reporting period 1 June 2019 to 29 February 2020. You contend that: (1) the fitness report was inaccurate, misleading and presented an unrealistic assessment of your performance. (2) The fitness report falsely claimed multiple counseling sessions were conducted while the Record of Counseling shows there was no counseling existed prior to 8 January 2020. (3) The "repeated" counseling mentioned in the fitness report occurred within a four-week period immediately after the ship got underway and ended two weeks before the fitness report was due. (4) The fitness report falsely claims you had repeated mentorship and counseling during a two-year period. (5) You did not have a reasonable opportunity to obtain your qualifications or remediate any deficiencies. (6) The evaluation was not accurate, just, or based on fact and realistic expectations implicitly required by law.

In response to the AO, you acknowledge that you did not sign the fitness report. You claim letters from the Reporting Senior (RS) dated 29 February 2020 and 4 March 2020 explicitly state that “[y]our signature does not mean that you agree with the report, only that you have had an opportunity to see the report and submit a statement if desired.”

The Board noted that your Periodic/Regular evaluation report included 1.0 marks for "Professional Expertise" and "Mission Accomplishment and Initiative." The Reporting Senior (RS) commented, "In spite of continuous mentoring and counseling, . . . failed to meet the standards required to be a Surface Warfare Officer" and provided further justification for the 1.0 marks. The report also indicates "MEMBER REFUSED TO SIGN" in the signature block. The Board also reviewed your Record of Counseling from January and February 2020, which documented failures to meet prerequisites, a lack of expected knowledge, and failures to appear for watch on time.

The Board substantially concurred with the AO that your fitness report is valid as written and filed according to the applicable Navy Performance Evaluation System Manual (EVALMAN). The EVALMAN permits an RS to provide specific comments on particularly strong or weak performance. The Board determined that your RS properly used comments to substantiate the 1.0 performance traits.

Regarding your claim of insufficient counseling, the Board found no evidence, other than your own statement, to support it. The endorsement to your Complaint of Wrongs, dated 15 May 2021, from your commanding officer, stated that your departmental supervisors performed "numerous verbal counselings . . . preceding the issuance of this FITREP." Furthermore, the Board relies on a presumption of regularity to support the official actions of public officers. In the absence of substantial evidence to the contrary, the Board will presume that public officers have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded 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,

1/5/2026

