



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

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Docket No. 4225-25
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 28 January 2026. 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 30 April 2025 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32) and your response to the AO.

The Board carefully considered your request to remove your evaluation reports for the reporting periods 16 March 2023 to 7 February 2024¹ and 8 February 2024 to 15 March 2024. The Board considered your statement that the evaluation was intended to restore your retention recommendation and to act an administrative bridge to restore eligibility following your reduction in rank. You contend that the evaluation did not contain a substantive assessment of your long-term performance and that the reduced marks and comments were directly related to the impact of nonjudicial punishment (NJP), not observed performance deficiencies during the reporting period.²

The Board, however, substantially concurred with the AO, concluding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of your evaluation report ending 15 March 2024. The Board determined that your evaluation report

¹ This evaluation report was removed by PERS-32 in accordance with the Bureau of Naval Personnel letter dated 21 April 2025 directing the correction to your record.

² Your original application requested relief because his NJP was set-aside. However, you provided different contentions in your rebuttal to the AO.

is valid as written and filed in accordance with the applicable Navy Performance Evaluation System Manual (EVALMAN).

The Board noted that your Commanding Officer (CO) set aside your NJP because the previous CO denied you the opportunity for comprehensive legal advice. Your CO also found that the Command Investigation failed to meet the standard of proof that you knowingly communicated with married women. Despite the CO's decision to set-aside your NJP, he indicated that he would formally counsel you for indecent communication with a married woman. The Board determined that evaluation reports are based upon your performance and conduct during a specific reporting period; therefore, the Reporting Senior (RS) was not required to consider your long-term performance. The EVALMAN states, "[t]o merit high marks, a Sailor must meet and model the highest standards of professionalism in demeanor, deportment, and interaction with, and treatment of, superiors, peers, and subordinates." Accordingly, the Board did not find the "Progressing" mark for Military Bearing/Character to be an error or an injustice.

Furthermore, the Board determined that your evaluation report is not adverse, as it contains no adverse performance traits, comments, or promotion recommendations. Therefore, the Board 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,

2/18/2026

