



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

██████████
Docket No. 5705-25
8924-22
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 22 April 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 Advisory Opinion (AO) provided by Navy Personnel Command (PERS 32) on ██████████ and your rebuttal response of 23 June 2025.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board, noting your previous request to remove or modify the contested fitness report, carefully considered your current request to remove the fitness report for the reporting period 26 June 2021 to 31 January 2022 or in the alternative, modify the report by changing the promotion recommendation "to reflect a mark of 'promotable' or higher" and redacting the statement "Member received lower marks in Block 34 and 35 due to failure to uphold core values which negatively impacted command climate." You contend the correction to your record would be consistent with the "findings of no misconduct" and your ultimate promotion to lieutenant commander (LCDR). You further contend the fact you were promoted indicates a determination has been made that you "have met the standard of exemplary conduct and did not violate the Navy Core Values." Additionally, you contend the fitness report "no longer accurately reflects [your] professional conduct, performance, and adherence to standards, especially given [your] exoneration, promotion after full review." Lastly, you contend the presence of the fitness report

“serves only to reflect an unresolved implication that has been officially dismissed” whose “presence in [your] record creates unjust bias in future assignments and promotion boards. The Board noted you submitted fitness reports and an award citation as new evidence for the Board’s consideration.

The Board, however, determined there is insufficient evidence to overcome the previous Board’s decision that there was no error or injustice in the contested report. The Board noted the Report of No Misconduct does not say the conduct did not occur but instead your Commanding Officer (CO) states “I do not wish to pursue any further action because I have personally addressed the matter with the officer.” The Board determined that to remove or modify the fitness report, which was written by the CO who authorized the Report of No Misconduct, would potentially undo an action the CO took to address your conduct. Further, the Board determined your subsequent promotion to LCDR does not invalidate the fitness report nor make the report inaccurate for that reporting period. The Board concluded there is insufficient evidence to overcome the presumption of regularity attached to the CO’s report of our performance during the reporting period of 26 June 2021 to 31 January 2022. Based on the available evidence, the Board concluded there is insufficient evidence of material error or injustice warranting your requested 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,

5/5/2026

