



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

Docket No. 8175-25
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 13 May 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 4 August 2025 Advisory Opinion (AO) provided by Navy Personnel Command (NPC). The AO was provided to you 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 chose not to do so.

The Board carefully considered your request to remove your adverse fitness report, covering the period of 2 December 2023 to 31 January 2025, from your Official Military Personnel File (OMPF), or in the alternative, amend the fitness report to remove the 1.0 trait average and adverse markings, in order to reflect a fair and fact-based evaluation of your performance. You additionally requested that if relief is not granted prior to your opportunity for promotion, a Special Selection Board (SSB) be convened to consider you for promotion. You contend that the adverse fitness report was based solely on a substantiated Command Managed Equal Opportunity (CMEO) complaint, without any associated non-judicial punishment, detachment for cause, or show cause recommendation. You further contend your command chose to impose the lowest possible marks on your fitness report, despite acknowledging successful operational results under your leadership, and without accounting for mitigating circumstances, your completed corrective actions, or your overall performance.

The Board, however, substantially concurred with the AO in finding you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal or modification of the fitness report. As the AO explained, you did not provide sufficient evidence to warrant the relief requested. Rather, the Board agreed with the AO that your fitness report is valid. It is signed by you, and filed in your OMPF, and although you indicated your intent to submit a statement in response, no such statement appears in your record. As you have not offered one, or contended that one is missing from your record, the Board relies on a presumption of regularity that your fitness report was properly prepared, acknowledged by you, and filed. Additionally, the Board noted that your adverse marks are supported by the substantiated CMEC complaint of sexual harassment, a Letter of Instruction issued to you regarding this conduct, and your commanding officer's (CO) explanation to you, in detail, of his justification for your adverse marks both in his comments on the fitness report itself, and in his email to you, dated 4 February 2025. As the CO explained in his email, he determined that a harassment incident occurred and a harassing climate had been created within your work center with you as the offender. He further explained that he could not, in good conscience, state you met standards for Equal Opportunity on your fitness report when you were found to have created a harassing climate within your work center. For these reasons, the Board concluded your fitness report is valid as filed and remains appropriate. Lastly, because the Board denied your request for removal or modification of your fitness report, it additionally denied your request for consideration by a SSB.

Accordingly, given the totality of the circumstances, the Board determined 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,

6/2/2026

