



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No: 3159-16  
SEP 06 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 June 2017. 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, your naval record, and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion (AO) provided by Headquarters, Marine Corps (MMRP-13) dated 6 April 2017.

The Board, in its review of your entire record and application, carefully considered your desire to remove from your record the fitness report (FITREP) for the reporting period 2 December 2014 to 19 March 2015, and to remove the failures of selection (FOS) you incurred by the FY17 and FY18 USMC Lieutenant Colonel Promotion Selection Boards. The Board considered your contentions that (1) the contested FITREP was submitted as Not Observed, despite meeting the requirements of observation time, (2) you were assigned multiple concurrent projects, and you kept your Reporting Senior (RS) abreast of your actions and accomplishments during the reporting period, (3) you were briefed by the Reviewing Officials of the billet expectations, and was not led to believe that you would receive a Not Observed report, and (4) after receiving the contested FITREP, you received two additional Not Observed FITREPs, creating a nine-month non-observed period of time that likely caused your FOSs. The Board significantly concurred with the AO and determined that removal of the FITREP is not warranted. Further, the Board believed that removing a Not Observed report would have no practical benefit because you still would not have observed time for that reporting period. The Board believed that you may find future favorable consideration by both the Performance Evaluation Review Board and the BCNR if the RS for the contested FITREP was willing to replace the Not Observed report with an observed report. Finally, because the Board did not direct the removal of the contested FITREP from your record, the Board also found no justification to remove your FY17 and FY18 Promotion Selection Board FOSs. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

[REDACTED]

Executive Director