



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

[REDACTED]  
Docket No. 3656-16  
JUN 27 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC §1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 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. The Board also reviewed the two advisory opinions provided by Headquarters Marine Corps memorandum 1610 MMRP-13/PERB dated 19 April 2016 ("AO"), which were previously provided to you. After the 30 day period for comment expired without a response, the case was presented to the Board.


After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. You submitted two requests. Your first request was to have your fitness report ID #405402 be changed to a not observed report. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your assertion that Marines in a Military Occupational Specialty (MOS) producing school will receive a "not observed" report. Your fitness report ended on 25 May 2007 and was in accordance with the Performance Evaluation System (PES) Manual dated 11 May 2006 when submitted. A change to the PES Manual effective 13 February 2015 mandated that Marines in a training status receive a "not observed" academic type report. The Board agreed with the AO that there is no valid basis to modify your report. The newest PES Manual does not apply retroactively.

Your second request was to have your fitness report ID #1944798 be changed to a not observed report. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your assertion that the reporting officials had insufficient observation time during the reporting period. Both the reporting officials state that the report

should be not observed due to you being on a 10 day period of Permissive Temporary Additional Duty (PTAD), that the Reporting Senior (RS) was on annual leave for 11 days, and you were unavailable for another 10 days as you were preparing to assume duty as battery commander. The Reviewing Officer (RO) also states that there were no major training events to assess you. The Board substantially concurred with the comments contained in the AO. Specifically, the Board agrees that the RS comments pertaining to Exercise Heavy Metal in several locations within the report as well as the integration of air "into multiple Battery and Battalion level exercises" is significant and provides a fair assessment of you. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new 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,

  
Executive Director