



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

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Docket No: 6386-20
Ref: Signature Date

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Dear █

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 6 July 2021. 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 11 August 2020 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 26 June 2020 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). The PERB decision and AO were provided to you on 11 August 2020, and you were given 30 days in which to submit a response. When you did not provide a response, your case was submitted to the Board for consideration.

The Board carefully considered your request to remove your fitness report for the reporting period 1 May 2019 to 9 September 2019. The Board considered your contentions that your fitness report was based on a non-factual assessment. Specifically, unauthorized funding commitments were made without any communication with you or your supply section, billeting and railway cost were over budgeted, and your unit did not received funds as originally promised. You also contend that you were relieved because operations were curtailed and cancelled due to your commands fiscal situation. You claim that you were relieved two months before the end of the Fiscal Year (FY) and you were forced to leave the command during your commands Field Supply and Maintenance Analysis Office (FSMAO) Program inspection. You also claim that you Requested Mast to the Commanding General (CG) and an investigation concluded that you were not solely responsible for the premature lack of funds.

The Board, however, substantially concurred with the PERB decision and AO that your fitness report is valid and should be retained as filed. In this regard, the Board noted that your fitness report was marked adverse for 'Performance' and 'Developing Subordinates' and that your RS provided the required justification and section I comments. The Board also noted that your reviewing officer (RO) concurred with your RS's evaluation and the Third Officer Sighter adjudicated the factual basis for your report. The Board noted, too, that the Marine Corps Performance Evaluation System (PES) Manual grants RSs discretionary authority in the evaluation of a Marine's performance and the PES Manual provides that the RS must describe the reason why a report is adverse and provide the factual basis for the assessment. The Board determined that although you were not solely responsible for the expenditure of funds, your chain-of-command acted within their discretionary authority by determining that you shared in the culpability for the mismanagement of funds and by relieving you for cause as the supply officer. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

[REDACTED] 7/22/2021
[REDACTED]
Executive Director
Signed by: [REDACTED]