



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: 6678-20
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.

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

A three-member panel of the Board, sitting in executive session, considered your application on 20 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. The Board also considered the 9 September 2020 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision), the 2 July 2020 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO), and your 9 October 2020 rebuttal to the PERB Decision.

The Board carefully considered your request to remove the fitness report covering the period 15 December 2018 to 31 May 2019. The report is adverse because your commanding officer (CO) relieved you from company command after losing trust and confidence in your leadership due to a message you posted on social media. You argue the report is erroneous and unjust as your social media post did not violate Marine Corps orders or policies. In addition, you contend that you were not counseled regarding social media postings until after being relieved. The Board noted that the CO's letter of 11 May 2020 states the contrary. The CO documents that he passed guidance regarding COVID-19 communication in battalion formation and during a staff meeting, which you did not follow when you posted your remarks on social media. The Board further

noted that you were counseled after being relieved from command via a non-punitive letter of caution. The Board concurred with the AO that the fitness report did not violate the Performance Evaluation System Manual, as the reporting chain accurately documented in Section I the underlying basis of the adversity, the lack of trust and confidence in your leadership, as you did not follow guidance from your CO. Consequently, the Board determined that the fitness report is administratively correct and shall remain in your official military personnel file as written.

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,

8/5/2021

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Executive Director

Signed by:

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