



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

█
Docket No: 7486-20
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 27 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 15 October 2020 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 3 August 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 15 October 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 or modify your fitness report for the reporting period 1 April 2017 to 7 September 2017. The Board considered your contentions that not observed marks should be the exception, according to the Marine Corps Performance Evaluation System (PES) Manual, and that not observed attribute marks should be marked for those instances when the period of observation precludes an accurate assessment. You also contend that your reporting senior (RS) unjustly marked your leadership attributes as not observed. You claim that although you received non-judicial punishment and were relieved for cause from your assignment as a canvassing recruiter, you continued to perform leadership attributes by contacting applicants and developing applicants for recruit training.

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 determined that the PES Manual provides reporting seniors discretionary authority in the evaluation of Marines, therefore, your RS was not required to evaluate your leadership attributes if he/she determined that your duties did not provide sufficient observation for an accurate assessment of your leadership abilities. 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,

8/14/2021

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Executive Director

Signed by: █