



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

[REDACTED]
Docket No. 8724-20
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/ enclosures
(2) Fitness Report for the reporting period 1 Jan 20 to 14 Jun 20
(3) PES ltr 1610 MMRP-30 of 21 Sep 20
(4) CMC ltr 1610 MMRP-13/PERB 9 Dec 20

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by modifying the fitness report for the period 1 January 2020 to 14 June 2020.

2. The Board reviewed Petitioner's allegations of error and injustice on 21 September 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner contends that his fitness report at enclosure (2) is erroneous as his reporting senior (RS) marked Section G.1 (Professional Military Education) in the 'B' block and Section F.3 (Setting the Example) in the 'C' block. Petitioner argues that for PME he completed a number of educational courses during the reporting period and he received a 'C' for PME from the same RS in his preceding fitness report. Petitioner further contends that he performed additional collateral duties during the reporting period that were not recognized. Petitioner requests changing both G.1 and F.3 to block 'D.' Petitioner also included with his request copies of his diplomas, certificates of graduation from various courses, and his Marine Corps Total Force System (MCTFS) Education Record.

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c. The advisory opinion (AO) at enclosure (3) recommended partial relief with respect to the portion of Petitioner's request to upgrade Section G.1 (Professional Military Education). The AO noted that Petitioner did not provide sufficient evidence to increase the G.1 attribute marking to a "D" (nor even to a "C"), but did provide sufficient evidence to suggest that his RS's marking was unwarranted, and thus, invalid. The AO determined Headquarters Marine Corps Performance Evaluation Review Board (PERB) is not necessarily situated for, nor cognizant of Petitioner's actual performance, or the respective RS's marking philosophy, and therefore, as a matter of practice, does not consider the relative merits of individual marks, which principally constitute a reporting official judgment call, without any accompanying reporting official endorsement for consideration. The AO thus determined that the RS marking of "C" for F.3 "Setting the Example" remains valid as written.

d. On 8 December 2020, the PERB considered Petitioner's request, as well as the AO and reference (b), and subsequently directed the contested report be retained as filed, but modified to reflect Section G-1 in block "H" vice block "B."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants partial relief. The Board found there was significant evidence to change Section G.1 from the 'H' block that the PERB directed to the 'C' block, as Petitioner was marked a 'C' in his preceding fitness report by the same RS, and because Petitioner did complete the Maritime Prepositioning Force Staff Planning Course during the reporting period. The Board determined, however, Petitioner's request to change Section G.1 to the "D" block was not sufficiently justified as many of the diplomas that Petitioner received were received outside the reporting period.

The Board noted the additional duties and billet Petitioner undertook during the reporting period, and found there was sufficient evidence to warrant changing Section F.3 (Setting the Example) from block 'C' to block 'D.'

RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner's naval record be corrected by marking Section F.3 (Setting the Example) in block 'D' vice block 'C' and mark Section G.1 (Professional Military Education) in block 'C' vice block 'H' for his fitness report at enclosure (2).

No further relief be granted.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

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5. The foregoing action of the Board is submitted for your review and action.

10/18//2021

[REDACTED]

Executive Director

Assistant General Counsel (Manpower and Reserve Affairs) Decision

~~Reviewed and Approved Petitioner Request (Grant Relief)~~

Reviewed and Approved Board Recommendation (Partial Relief)

~~Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)~~

10/31/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]