



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

█  
Docket No. 8729-20  
Ref: Signature Date

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Dear Petitioner:

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 1 October 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 9 December 2020 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 5 October 2020 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 9 December 2020, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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.

The Board carefully considered your request to remove your 12 June 2019 to 15 April 2020 Fitness Report. The Board considered your contentions that you were not given a "Change of Reporting Senior" (CH) fitness report upon your new Reporting Senior (RS) checking in, and your lack of initial counseling with the incoming RS which occurred 168 days after the start date of your reporting period, 127 days after you checked in to your new duty station, and 72 days after your new RS checked in.

The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that your RS's observation of the report constituted a minimum of seven months and the omission of the CH report, which would have resulted in a "not observed" report for a period of 56 days, does not invalidate the report. The Board further noted that formal counsel is not required in conjunction with processing of a fitness report, and the late processing of a "Marine Reported on Worksheet" does not necessarily invalidate a report as well. The Board thus concluded that your request is lacking in substantial evidence of error or injustice of this report.

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.

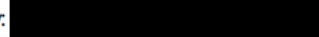
Sincerely,

10/7/2021

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Deputy Director

Signed by:

A black rectangular redaction box covers the name of the Deputy Director.