



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

[REDACTED]
Docket No: 715-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Fitness report for the reporting period 9 Nov 19 to 31 May 20
(3) [REDACTED] memo 1610 CO of 30 Oct 20
(4) [REDACTED] ltr 1610 CO of 23 Nov 20
(5) MMRP-30 ltr 1610 MMRP-30 of 4 Dec 20

1. Pursuant to the provisions of the reference, 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 his fitness report for the reporting period 9 November 2019 to 31 May 2020.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 October 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 26 June 2020, Petitioner was issued enclosure (2), a fitness report for the reporting period 9 November 2019 to 31 May 2020.

b. Petitioner contends that according to the counseling and discussion with his reporting senior (RS), his fitness reports' relative value was expected to be 80.00 percent. Petitioner claims that due to his RS's error or a system error, his relative value was higher than expected and request that his attribute marks for D.1, G.2, G.3 and H.1 be changed from 'D' to 'C'.

[REDACTED]

c. In correspondence from Petitioner's RS, the RS claims that the contested attribute marks were inadvertent and inconsistent with his marking philosophy for reports covering the performance of majors. The RS also claimed that due to his error or a system error, Petitioner's attribute marks do not reflect what he intended to mark and briefed. Enclosure (3).

d. In correspondence from Petitioner's reviewing officer (RO), the RO concurred with Petitioner and the RS's request to change the contested attribute marks. The RO noted that Petitioner was counseled and Petitioner concurred with the counseling. Enclosure (4).

e. The advisory opinion (AO) furnished by the Headquarters Marine Corps, Manpower Management Records and Performance Branch (MMRP-30) recommended that Petitioner's fitness report be modified as requested. The AO acknowledge that according to the Marine Corps Performance Evaluation System Manual, no mechanism exists to "reset" a profile. However, the AO noted that Petitioner admitted that his RS clearly indicated different projected attribute marks prior to the processing of his fitness report. The AO also noted that the RS referenced his profile anomaly in his Section I comments and that the RO provided a favorable endorsement acknowledging that Petitioner was aware of the anomaly. The AO concluded that Petitioner met the burden of proof and has shown by preponderance of evidence probable material error, substantive inaccuracy, or injustice warranting modification of his fitness report. Enclosure (5).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. The Board substantially concurred with the AO furnished by MMRP-30. In this regard, the Board acknowledged that Petitioner's request is unusual, however, the Board noted Petitioner's statement and the supporting correspondence from Petitioner's reporting officials recommending and concurring with the modifications to the contested fitness report. The Board determined that based upon Petitioner's request and acknowledgment that his fitness report was not consistent with the counseling he received, the modifications to his fitness report are warranted.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by modifying his fitness report for the reporting period 9 November 2019 to 31 May 2020 by changing the following attribute marks:

- Section D.1, "Performance", change the "D" to "C".
- Section G.2, "Decision Making Ability", change the "D" to "C".
- Section G.3, "Judgment", change the "D" to "C".
- Section H.1, "Evaluations", change the "D" to "C".

4. It is certified that a quorum was present at the Board's review and deliberations, and that the

[REDACTED]

foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/31/2021

[REDACTED]

Executive Director

[REDACTED]