



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

Docket No. 718-21
Ref: Signature Date

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 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 14 January 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 14 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 14 January 2021, 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 carefully considered your request to modify your 1 February 2011 to 31 May 2011 Fitness Report by deleting the Reporting Senior's (RS's) relative value and the Reviewing Officer's (RO's) comparative assessment markings. The Board considered your following contentions: the RS was of the same grade as you without 'Section K' comments from the RO indicating the reason and approval for not elevating the reporting chain one level to the next senior officer; the fitness report in question does not contain a stated authorization approval in 'Section K' for same grade Marine Reported On (MRO) and RS; you were unaware of the error until it was pointed out during a career counseling session; you are eligible for consideration on the 2021 Lieutenant Colonel Command Screening Board; and the error reduces the competitiveness of your record.

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 the RS, who was filling the billet of the Operation's Officer, was your direct supervisor. The Board further noted that the RO, who was your Battalion Commander, concurred with the RS's evaluation by marking "Concur" in Section K.2, thus leading to an acknowledgment and/or approval from the RO with regards to same grade MRO and RS. As such, the Board determined this acknowledgement met the burden of approving this report. 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,

10/25/2021

Deputy Director