



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

Docket No. 719-21
Ref: Signature Date

Dear [REDACTED]:

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 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 19 November 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 28 September 2019 to 31 May 2020 Fitness Report by changing the following attribute markings: “Setting the Example” from ‘D’ to ‘E’; and “Evaluations” from ‘D’ to ‘H’. The Board considered your following contentions: the Reporting Senior (RS) failed to consider a “Transfer” fitness report written on another officer of the same grade for the period covering 1 June 2018 to 20 May 2019; a relative value was not calculated prior to writing the fitness report in question; the corrections will correct this report’s report average and relative value at processing, reflecting your performance during this period; and the RS and Reviewing Officer (RO) concur with the recommended changes.

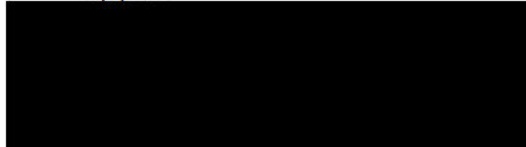
Although the AO recommended your request be granted, the Board substantially concurred with the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the

RS's and RO's favorable endorsements for modification of this report; however, the Board further noted the RS did not provide any specific justification as to the recommended changes of the two attribute markings in question. Furthermore, the Board noted the RO did not indicate the request should receive favorable consideration, instead indicating his evaluation of you remains the same. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting modification 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



Deputy Director

[Redacted contact information]