



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

█  
Docket No: 721-21  
Ref: Signature Date

█  
█  
█

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 19 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 1 October 2020 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & 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 fitness report for the reporting period 13 August 2018 to 31 May 2019 by removing your reporting senior's (RS's) attribute marks. The Board considered your contention that you did not receive formal or informal counseling between your initial and final counseling. You also contend that your fitness report contains inconsistencies between your RS and reviewing officer (RO) comparative assessment mark and comments, your RS's comments regarding your above average and average performance conflicts with the 80.00 percent relative value, and your RS's Section I comments and final counseling statement demonstrate an undue bias in his evaluations. You claim that during your final counseling, your RS stated that your performance and exercise control abilities were "above average" and your attitude, workload, officer ship, and administrative discipline was "average." You also claim that your RS informed you that his profile was skewed by 16 hand

selected Expeditionary Warfare School (EWS) Faculty Advisors. To support your argument, you furnished excerpts from the Marine Corps Performance Evaluation System (PES) Manual.

The Board, however, substantially concurred with the PERB decision and AO that your fitness report is valid and should be retained as filed. In this regard, the Board noted that according to the PES Manual, RS's should provide comments that address any conflicts within the fitness report or the RS profile that are not immediately apparent to a board member. The Board determined that your RS's Section I comments regarding his profile dynamics and your relative value were proper and according to the PES Manual. The Board found no evidence that your RS's evaluation of your performance was bias or that his comments regarding your performance equated to a particular relative value and you provided none. The Board determined that your fitness report is not considered unjust because your RS's profile includes a cadre of EWS officers that the RS rated higher than you. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

10/31/2021

█  
Executive Director  
█