



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

██████████
Docket No: 724-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. §1552
(b) MCO 1610.7

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report for the reporting period 7 Oct 16 to 31 Oct 16
(3) ██████████ (RS) e-mail of 2 Nov 20
(4) ██████████ (RO) e-mail of 2 Nov 20
(5) PES memo 1610 MMRP-30 of 4 Nov 20
(6) CMC ltr 1610 MMRP-13/PERB of 14 Jan21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting modification of enclosure (2) from “observed” to “not-observed.”

2. The Board reviewed Petitioner’s allegations of error and injustice on 7 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 his naval service 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 finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

b. Petitioner was issued enclosure (2), Petitioner contends that the period of performance was only for 25 days, and that there was insufficient time for an observed report.

c. The Reporting Senior’s (RS) ‘Section I’ comments were favorable and included, in part, the following comment: “[Petitioner] is an intelligent and industrious Marine Officer whose significant contribution to this command despite limited observation period warrant an observed report.” The Reviewing Officer concurred with the RS’s evaluation and ‘Section K’ comments

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

included: "SNO's work ethic and contributions earned him this observed report for less than 89 days."

d. Petitioner furnished e-mail correspondence from both the RS and RO, who endorse Petitioner's request to change the report from "observed" to "not-observed."
See enclosures (3) and (4).

e. The Manpower Management Division Records and Performance Branch (MMRP-30), upon review of Petitioner's contention and available records, issued enclosure (5), an unfavorable advisory opinion (AO). The Marine Corps Performance Evaluation Review Board (PERB), considered the AO, and the opinion of the three-member panel was that Petitioner did not demonstrate probable material error, substantive inaccuracy, or injustice warranting modification of the fitness report in accordance with reference (b). See enclosure (6).

CONCLUSION

The Board, in its review of Petitioner's entire record and application, carefully considered the policy guidance of reference (b), and the Petitioner's personal statement in support of this request. The Board also took into account the RS's and RO's concurrence in changing the fitness report from "observed" to "not-observed" due to insufficient observation during the 25-day reporting period. The Board determined that Petitioner's request merits full corrective action despite an unfavorable AO and PERB decision.

The Board thus concluded that the contested fitness report shall be changed from "observed" to "not-observed."

RECOMMENDATION

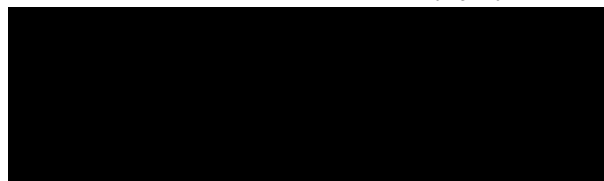
In view of the above, the Board directs the following corrective action:

That Petitioner's SA Fitness Report for the reporting period of 7 October 2016 to 31 October 2016 be changed from "observed" to "not-observed."

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. The foregoing action of the Board is submitted for your review and action.

10/25//2021



Executive Director

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED]
XXX XX [REDACTED] USMC

Assistant General Counsel (Manpower and Reserve Affairs) Decision

Reviewed and Approved Board Recommendation (Grant Relief)

~~Reviewed and Approved Advisory Opinion (Deny Relief)~~ _____

10/31/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]