



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

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Docket No. 727-21
Ref: Signature Date

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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.

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 2 December 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.

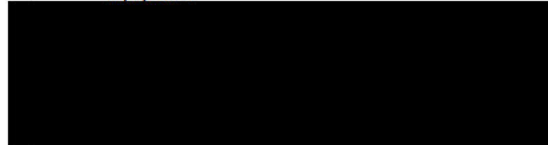
The Board carefully considered your request to remove your 1 April 2018 to 4 September 2018 Fitness Report. The Board considered your following contentions: the fitness report was neither an accurate nor fair depiction of your performance during this period; you were not given constructive criticism or advised that your performance was lacking; you requested a counseling after receiving the report and was surprised you were rated as the bottom performer of 22 reports; the Reporting Senior (RS) listed several criteria for the fitness report that did not occur during the reporting period; notably the 2018 Family Day, which occurred after the reporting period; you indicated to the RS that you were considering leaving the Marine Corps and believe the RS used this as justification to place you at the bottom of his profile; and the report was not executed in the spirit of the reporting system.

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 you did not provide evidence to support your contention that your performance was rated lower than it should have been. The Board further noted that your assertion your Reporting Senior used your remarks of potentially leaving the Marine Corps against you is unsubstantiated. 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,

10/7/2021

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Deputy Director

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