



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

█
Docket No: 729-21
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 17 September 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 remove your fitness report for the reporting period 1 November 2019 to 22 January 2020. The Board considered your contentions that your actions led to the discovery of injustices and inappropriate behavior by your former reporting senior's (RS's) toxic leadership. You claim that you spoke about your former RS's actions on social media, but you did not identify him by name and you did not identify his unit. You assert that since the officer received non-judicial punishment (NJP), at most, your actions should have only resulted a page 11 entry or negative counseling.

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 a Command Investigation found that you routinely posted rants against your leadership on social media that

are prejudicial to good order and discipline given your extensive audience inclusive of junior Marines, that you actively sought conflicts that allowed you to champion equal opportunity issues, and you retold rumors and hearsay without trying to ascertain their veracity. The Board also noted that you were issued a page 11 entry for routinely posting content on your personal Instagram profile that is prejudicial to good order and discipline and service discrediting and you were relieved of duties by your Battalion Commander due to loss of trust and confidence in your ability to lead Marines. Although your social media post revealed misconduct, the Board determined that there was sufficient evidence to support the adverse nature of your fitness report. The Board also determined that your reporting officials properly documented the basis for adversity and prepared your fitness report according to Marine Corps Performance and Evaluation System Manual. Moreover, the Board found that you failed to follow appropriate procedures for filing a grievance or complaint, and your use of social media was admittedly inappropriate and a violation of regulations. 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,

10/19/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]