



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

Docket No: 792-21  
Ref: Signature Date

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 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) (the PERB Decision), and the 19 November 2020 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30)(the AO). 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.

The Board carefully considered your request to modify the fitness report covering the period 19 October 2012 to 3 December 2012. You argue that the report is erroneous because the reporting senior (RS) did not have significant observation of you during the 46-day reporting period, violating the Performance Evaluation System (PES) Manual minimum 90-day requirement. You included with your petition a letter from the report's RS endorsing the request to make the report not observed stating that the length of the observation period was too short to provide a fair assessment.

The Board noted that the contested report's Section I comments were highly favorable and the RS explained why the 90-day minimum requirement should be waived as he had daily and meaningful observation of you. The Board further noted that your previous fitness report was

not observed from the same RS and that the reviewing officer concurred with the RS evaluation and decision to waive the 90-day minimum requirement. The Board concurred with the AO that the RS sufficiently justified the observed report. Consequently, the Board determined that the fitness report is administratively correct and shall remain in your official military personnel file as written.

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,

10/22/2021

Executive Director