



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

[REDACTED]  
Docket No: 801-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] USMC (RET)

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

Encl: (1) DD Form 149 w/attachments  
(2) Fitness Report for the reporting period 4 Jan 20 to 31 May 20  
(3) RO memo (undated)  
(4) Advisory Opinion by PES memo 1610 MMRP-30 of 2 Dec 20  
(5) CMC ltr 1610 MMRP-13/PERB of 14 Jan 21

1. Pursuant to the provisions of the reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting modification of his fitness report for the reporting period 4 January 2020 to 31 May 2020.

2. The Board, consisting of three members reviewed Petitioner's allegations of error and injustice on 26 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 Petitioner's naval 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner was issued enclosure (2), a fitness report for the reporting period 4 January 2020 to 31 May 2020. The section K.3 reviewing officer (RO) comparative assessment was marked in block 4. Petitioner contends that his RO mistakenly marked the comparative assessment in block 4 instead of block 6. Petitioner's RO, who acknowledged he inadvertently marked Petitioner in block 4 of the comparative assessment, and that this mark is inconsistent with his assessment of Petitioner's performance during the reporting period, recommended that the contested fitness report be corrected by changing the comparative assessment mark from block 4 to block 6. See enclosure (3).

b. The advisory opinion (AO) at enclosure (4) recommended that Petitioner's fitness report be partially corrected. In this regard, the AO opined that approving Petitioner's request would be

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considered an excessive degree of redress and would cause Petitioner to supplant 24 peers of the same grade in the RO's profile after only five additional months of observation. The AO noted that the same RO evaluated Petitioner's preceding fitness report and marked Petitioner in block 5 on that report. The AO also noted that Petitioner's fitness report is highly favorable, but not exceptional, and thus determined that Petitioner's request for modification is deemed valid, but not to the extent that it warrants an increase of two blocks and the supplanting of 24 peers.

c. On 14 January 2021, Petitioner's request was considered by the Performance Evaluation Review Board (PERB). After reviewing the applicable guidance in reference (b) and the documents at enclosures (1) through (4), the majority opinion of the three members of the PERB concurred with the AO and directed the contested fitness report be modified by marking the comparative assessment mark in block 5 vice block 4. See enclosure (5).

### CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of an error warranting corrective action. The Board noted the recommendation of the AO and the modification made by the PERB. However, the Board determined that Petitioner's fitness report should be further corrected by upgrading the comparative assessment mark to block 6, as requested by Petitioner and his RO. In this regard, the Board determined that the RO provided sufficient justification to warrant a substantive correction to Petitioner's record. Specifically, the request for modification is timely, the RO furnished a formal endorsement supporting Petitioner's request, and the request addressed a specific remedy to correct the RO's oversight. The Board thus concluded that Petitioner's contested fitness report, as modified by the PERB, shall reflect a comparative assessment mark in block 6 vice block 5.

### RECOMMENDATION

In view of the above, the board members recommend the following corrective action.

Petitioner's naval record be corrected by modifying his fitness report for the reporting period 4 January 2020 to 31 May 2020 by changing the section K.3, comparative assessment from block 5 to block 6.

4. 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.

11/20/2021

[REDACTED]

Executive Director

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] USMC (RET)

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Disapproved Advisory Opinion Recommendation (Deny Relief)

12/3/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]