



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

Docket No. 803-21
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.

A three-member panel of the Board, sitting in executive session, considered your application on 1 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 15 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, or in the alternative, modify your fitness report for the reporting period 20 May 2020 to 9 August 2020. The Board considered your contentions the fitness report was unjust because you did not receive any negative counseling or negative feedback from your Reporting Senior (RS) aside from "minor disagreements" with your scheduling techniques and "personal disagreements" regarding things outside the scope of your responsibilities. You further contend your RS insisted on writing an observed "From Duty" fitness report and you "firmly believe the RS used the fitness report as a method of reprisal for [your] disagreements." In support of your contentions regarding your RS, you submitted "emails presenting insight into the passive-aggressive nature of the report."

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 PES Manual guidance. In this regard, the Board noted there was insufficient evidence to warrant removal or modification of the contested fitness report. The Board specifically noted an observed fitness report was required by the PES Manual because your period of performance exceeded 31 days. The Board further noted accusations of disagreements with the RS do not automatically constitute grounds for relief and your contentions regarding the disagreements and reprisal lack any substantiation. The Board thus concluded that your request is lacking in substantial evidence of error or injustice.

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,

10/15/2021

Deputy Director