



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: 838-21
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 18 December 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 30 July 2018 to 2 February 2019. The Board considered your contention that a Marine within the organization was assigned as your reporting senior (RS) so the command could avoid the additional step of using a Senior Marine Representative. You also contend that you did not meet your RS, you were not counseled, and you were not provided with a billet description or your RS's expectations. You claim that you were assigned to an Individual Augment (IA) billet for six months as a Watch Officer and you expected that the Watch Chief would write your evaluation. You also claim that the situation placed you at a disadvantage compared to other majors who were able to receive counsel, were able to establish a relationship with their RS, and your fitness report inaccurately captured your accomplishments and level of performance.

Additionally, your fitness report negatively impacts your career and inaccurately portrays a deviation from your overall trend in performance.

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 your assignment as a Watch Officer fell under the purview of the J3 and your RS was the Deputy J3 for Operations. The Board determined that the Joint Command's determination to designate a Marine, specifically, the Deputy J3, as your RS was not unusual or inappropriate decision. The Board also noted that your reporting official's comments are substantive and well informed. The Board found no evidence that you had no interaction with your RS or that he/she was not situated to evaluate your performance and you provided none. The Board also determined that a perceived low relative value is not a basis to invalidate your fitness report. 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,

10/31/2021

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Executive Director

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