



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. 0839-21
Ref: Signature Date

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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 14 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 20 November 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 your 9 June 2020 to 28 September 2020 Fitness Report. The Board considered your following contentions: you believe the Reporting Senior (RO) utilized this report as a disciplinary action for a request for transfer; you believe the RO took little time in preparing and did not utilize good judgement or the whole-Marine concept; you believe the accomplishments were not taken into consideration or merited fairly in 'Section K' comments or the 'Comparative Assessment;' the report was completed late, archived immediately, and the command did not review it; the report is grossly unjust and emotion-based; and the report could have been omitted due to the short time span and the Reporting Senior's (RS), RO's, and your non-availability.

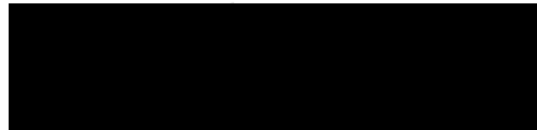
The Board substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES)

Manual guidance. The Board noted that the PERB retained the report as filed; however, modified your report by marking 'Section K-2 (Evaluation)' of the report "Concur" vice "Do Not Concur" as this was viewed as an administrative error. As such, the Board took this into consideration and reviewed your request as modified by the PERB. In this regard, the Board noted you did not provide factual evidence to support your contentions stated above. Furthermore, the Board noted the RS is responsible for evaluating your performance, to include any noteworthy accomplishments, whereas, the RO is particularly focused on determining your potential for further service based on your professional abilities. The Board further noted that your assertion your RO used your request to transfer against you is unsubstantiated. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of this report.

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

Signed by 