



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: 1830-21
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 9 November 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 9 March 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision), and the 13 January 2021 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 9 March 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 1 September 2016 to 21 November 2016 by changing the report to not-observed for both the Reporting Senior (RS) and Reviewing Officer (RO). You argue that the report is erroneous because the RS and RO did not have significant observation of you during the 82-day reporting period, violating the Performance Evaluation System (PES) Manual minimum 90-day requirement for an observed report. You included with your petition a record of your leave dates (19 days) during the reporting period.

The Board noted that the PERB modified the report making the RS section not observed, as the RS did not provide an explanation in section I why the minimum time requirement should be waived. The Board concurred with the AO that the PES Manual does not mandate minimum

time requirements for the RO. Consequently, the Board determined that the fitness report is administratively correct as modified 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,

12/14/2021

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Deputy Director

A black rectangular redaction box covering the name of the Deputy Director.