



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: 1863-21
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 22 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 8 November 2008 to 30 April 2009 by changing the reviewing officer (RO) Comparative Assessment marking from '4' to '5'. You contend that the RO mismanaged his profile and incorrectly ranked you and that your reporting senior (RS) marks indicate that your RO marking should be higher. You included with your petition a memorandum from the contested report's RO endorsing your request to modify the report.

The Board noted that you have promoted twice since the report was processed. The Board concurred with the AO that there is no Performance Evaluation System (PES) Manual scale to match RS markings with an RO Comparative Assessment marking and the RO endorsement provided insufficient justification to warrant modifying the RO Comparative Assessment twelve

years later. The Board determined that the contested report is administratively correct, and shall remain in your official military personnel file as written.

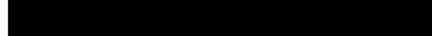
You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption 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

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