



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: 1869-21
Ref: Signature Date

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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 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. The Board also considered the 16 March 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision), the 9 November 2020 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO), as well as your rebuttal to the AO of 2 April 2021.

The Board carefully considered your request to modify the fitness report covering the period 28 September 2017 to 31 December 2017 by changing the reviewing officer (RO) Comparative Assessment marking from '4' to '6'. You contend that there is a significant variation between the reporting senior (RS) evaluation and the RO evaluation despite the RO's concurrence with the RS rating. You included with your petition a memorandum from the contested report's RO endorsing your request to modify the report as well as a personal statement and spreadsheet to support your contentions.

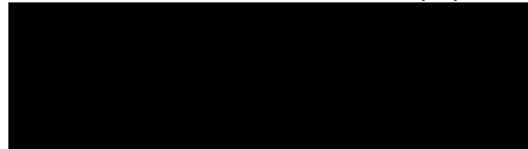
The Board noted that the PERB modified the contested fitness report by changing the Comparative Assessment mark from '4' to '5'. The PERB stated that the RO's remedy to mark the assessment two blocks was excessive. You argue that you provided sufficient evidence that the RS observed a 27% increase in your performance and consequently the RO marking should be increased 25% to a '6' marking in accordance with the RO's endorsement.

The Board concurred with the AO that the Performance Evaluation System (PES) manual does not provide a scale to match the RS and RO values and does not mandate that the RO comparative assessment marking comport with the RS value. Moreover, the Board found that the RO endorsement provided insufficient justification to warrant modifying the RO Comparative Assessment two blocks. Consequently, the Board determined that the contested report, as modified, 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

Signed by:

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