



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: 1975-21
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.

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. The Board also considered the 16 March 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 10 December 2020 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 16 March 2021, and you were given 30 days in which to submit a response.

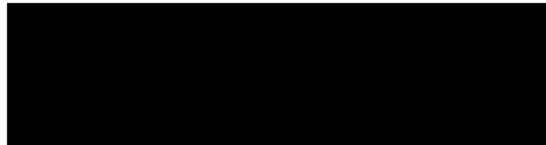
The Board carefully considered your request to remove the fitness report covering the period 14 November 2016 to 15 December 2016. The report is adverse for conspiring to cheat on the ammunition lift event of the Combat Fitness Test (CFT). You argue the report is erroneous and unjust because the Command Physical Training Representative (CPTR) did not have the ability to focus on you during the CFT event to accurately state that your score was incorrect, the CPTR signed and validated the CFT score, and you did not receive a Page 11 regarding the incident. The Board noted that the duties of a CPTR is to focus on participants during the CFT/PFT event. The Board further noted there is no Performance Evaluation System (PES) Manual requirement for any formal supporting documentation in conjunction with submission of an adverse fitness report. The Board concurred with the AO that the fitness report did not violate the PES Manual, as the reporting chain accurately documented in Section I the underlying basis of the adversity,

an integrity violation. Consequently, the Board determined that the fitness 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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