



**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: 2000-21  
Ref: Signature Date



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 16 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 16 March 2021 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 22 December 2020 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). 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. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your fitness report for the reporting period 1 February 2018 to 30 June 2018. The Board considered your contention that your fitness report was marked adverse for 'Judgement' because you were issued a page 11 entry for an alcohol related incident and fraternization with subordinate Marines after working hours. You also contend that your page 11 entry did not include any reference to fraternization, fraternization was introduced after you signed your page 11 entry, which is unjust resulting in an adverse fitness report.

The Board, however, substantially concurred with the PERB decision that your fitness report should be retained as modified. In this regard, the Board noted that the PERB approved corrections to your record by changing Section A, block 6 from Disciplinary Action to

Derogatory Material, removing comments related to fraternization with subordinates, and including comments to appropriately reflect your receipt of a page 11 entry as the basis for the adverse nature of your fitness report. The Board determined that the PERB modifications to your record sufficiently addressed the erroneous references to fraternization and disciplinary action. The Board also determined that your receipt of a page 11 entry for an alcohol related incident, your reviewing officer's non-recommendation for promotion, and adverse Section K comments constitute a basis for your fitness reports' adversity. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/10/2021

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Executive Director

Signed by: █