



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. 2469-21
Ref: Signature Date

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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 9 December 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 7 April 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 24 March 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 7 April 2021. 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 26 June 2019 to 28 October 2019, or, in the alternative, modify the report by correcting the Reporting Senior's (RS's) observation to not-observed. The Board considered your contention the billet assignment listed in Section A, Block 4 is erroneous. You further contend the RS never counseled you on your duties and responsibilities or his expectations for you. The Board also considered your contention the RS's attribute markings are not commensurate with his Section I comments. You also contend the assigned marks, which are all "C" and one "B" reflect the lack of true observation time by the RS who worked at █ and never visited you at █ which was just 5.4 miles away.

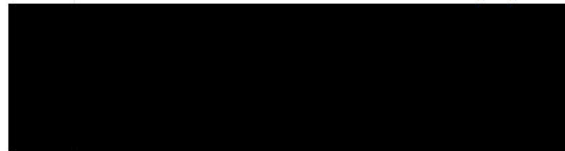
The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System

(PES) Manual guidance. In this regard, the Board noted there is no PES Manual scale to “match” RS attribute markings with Section I comments, nor does the alleged lack of counsel invalidate a fitness report. Further, the Board noted the perceived erroneous duty assignment pertains to a Section A item so you may pursue administrative correction via separate correspondence with Headquarters, Marine Corps (MMRP-31). The Board further noted you did not articulate or provide evidence that your performance and conduct warranted higher marks and concluded your request is lacking in substantial evidence of error or injustice warranting removal or modification.

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,

12/23/2021

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Deputy Director

Signed by:

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