



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. 2475-21
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 4 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 7 April 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 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, 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 4 January 2019 to 30 June 2019. The Board considered your contention that the report was unjust because you were not provided the opportunity to talk to the RS until 23 September 2019. You also contend that you were not briefed on the billet description within the first 30 days of the reporting period or at all, and you were not informed that the Reporting Senior's (RS's) portion was complete. The Board further noted the advocacy letters you submitted from your RS and Team Leader at the school house, who "performed periodic observations and received feedback from your Branch Chief as well as your Team Leader," and "provided you with the school's and his expectations as an instructor," respectively.

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 Manual guidance. In this regard, the Board noted that failure to establish and formalize a billet

description does not invalidate a report as counsel can occur in different forms. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of this report.

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,

11/22/2021

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Deputy Director

Signed by: 