



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 3590-21  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █ XXX XX  
█ USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/ enclosures  
(2) Fitness Report for the reporting period 8 Sep 18 to 30 Jun 19  
(3) HQMC memo 1610 MMRP-30 of 2 Feb 21  
(4) HQMC ltr 1610 MMRP-13/PERB of 24 May 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his record be corrected by modifying his fitness report covering the period 8 September 2018 to 30 June 2019, enclosure (2).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 27 January 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner contends that his fitness report at enclosure (2) is erroneous as the reporting senior (RS) markings were incorrectly assigned. Petitioner included letters of endorsement from the report's RS, a retired Captain in the US Navy, and the report's reviewing officer (RO), an active Colonel in the US Marine Corps. The RS stated that he submitted numerous markings in Sections D through G of the report that were substantively inaccurate and unjust. He requests to change his markings in Section D.1, D.2, E.1, E.2, E.3, F.1, F.2, F.3, F.4, F.5, G.1, G.2, and G.3 from 'D' to 'E'. The RO also states in his letter that he concurs with the RS's request to amend the 13 attribute markings; noting that he and the RS completed the report via pdf and was unaware that the RS had a previous profile. The RO concurs that the RS markings were lower than Petitioner's demonstrated performance and conduct warranted.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] XXX XX  
[REDACTED] USMC

c. Enclosure (3), an advisory opinion (AO) furnished by Headquarters Marine Corps Performance Evaluation Review Board (PERB) did find that the contested fitness report erroneous noting that the report was notably favorable; the RO comparative assessment marking was in the '5' block with highly positive amplifying comments. The AO recommended granting Petitioner's request to modify the fitness report in accordance with the RS request. Headquarters Marine Corps MMRP-13 however, directed that the fitness report be modified to 'Not Observed' on 24 May 2021, enclosure (4).

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO, the Board determined that Petitioner's request warrants relief. The Board noted that both the RS and RO acknowledged that mistakes were made in processing the report resulting in Petitioner receiving unjust marks in the fitness report. The Board found that the PERB's decision to make the report Not Observed was unjust as the report covers a period of almost ten months and the PERB did not sufficiently explain the decision to make the report Not Observed. The Board thus concluded that Petitioner's fitness report at enclosure (2) shall be modified in accordance with the RS's suggested corrections.

## RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner's naval record be corrected by modifying fitness report covering the period 8 September 2018 to 30 June 2019 as follows:

- Mark D.1 "Performance" 'E'
- Mark D.2 "Proficiency" 'E'
- Mark E.1 "Courage" 'E'
- Mark E.2 "Effectiveness Under Stress" 'E'
- Mark E.3 "Initiative" 'E'
- Mark F.1 "Leading Subordinates" 'E'
- Mark F.2 "Developing Subordinates" 'E'
- Mark F.3 "Setting the Example" 'E'
- Mark F.4 "Ensuring the Wellbeing of Subordinates" 'E'
- Mark F.5 "Communication Skills" 'E'
- Mark G.1 "Professional Military Education" 'E'
- Mark G.2 "Decision Making Ability" 'E'
- Mark G.3 "Judgment" 'E'

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)),

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] XXX XX  
[REDACTED] USMC

and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/9/2022

[REDACTED]  
Executive Director

Signed by: [REDACTED]