



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

█
Docket No: 4576-21
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.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 February 2022. 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 15 July 2021 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 27 January 2021 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30), and your response to the AO.

The Board carefully considered your request to modify your fitness report for the reporting period 1 February 2011 to 31 May 2011 by changing Section K.1 to 'Insufficient Observation'. If approved, you also request to remove your failures of selection. The Board considered your contention that your reviewing officer (RO) deviated from Marine Corps Performance Evaluation System (PES) Manual guidance, which states, "At a minimum, the RO should amplify his or her comparative assessment mark, and evaluate the MRO's potential for continued professional development to include promotion, command assignment, resident PME, and retention." You also contend that the RO comment, "Ahead of peers and growing immensely" contradicts the comparative assessment mark that placed your fitness report at the bottom of your RO's profile without any explanation for this contradiction. In your opinion, this unjustly creates confusion about your performance and future potential.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted that the complete sentence reads, "Ahead of peers and growing immensely in depth and aptitude with respect to airspace operations and control of aircraft." When your report was processed, your RO was instructed to "Compare the MRO's professional abilities and potential to other Marines of the same grade whose professional abilities are known to the RO." The Board determined that your RO's comment was in regard to your professional development in the areas of airspace operations and control of aircraft and was not intended to inflate or apply to your overall performance. The Board also determined that your RO's assessment of your performance and comments were aligned with the applicable PES Manual guidance. Moreover, the perceived competitiveness of your report's comparative assessment is not a basis for removing or modifying your fitness report. Based upon the foregoing determinations, the Board found no basis to change the fitness report in question or remove your failures of selection. 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,

2/22/2022

[REDACTED]

Executive Director

[REDACTED]