



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. 4621-21
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 3 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 by the Marine Corps Performance Evaluation Review Board (PERB), and the 27 May 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 15 July 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 1 June 2020 to 30 November 2020 Fitness Report (Fitrep). In the alternative, the Board considered your request to change the Reporting Official's observation from "observed" to "not-observed." The Board considered your contentions that you were wrongfully and unjustly removed from your billet as the Executive Officer of █, rated adversely without proper justification and adherence to the Marine Corps Performance Evaluation System (PES) Manual, and that the shortcomings addressed in the Fitrep fosters a zero-defect mentality and are minor flaws and mistakes instigated by unclear and vague expectations from the Reporting Senior (RS). You further contend the Reviewing Officer (RO) did not resolve inconsistencies and disagreements between your statements and the RS's, and the RS claims to have provided counseling regarding shortcomings; however, you attest that you never received a formal counseling. You assert the Third Officer Sighter did not resolve inconsistencies and disagreements between your statements and the RO's. You further assert

you previously addressed concerns with the RS regarding concerns or matters that had repeatedly been brought to the attention in the past by key leaders.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the PES Manual, the Fitrep was procedurally correct as written and filed. In this regard, the Board determined that your reporting officials adhered to PES Manual guidance when determining that your flaws and mistakes as a Major were significant enough to warrant issuing you an adverse Fitrep, which was appropriately adjudicated by a Third Officer Sighter. The Board noted that you did not provide any substantial documentation, other than your statement, or documentation from your reporting officials to support your contentions; specifically, that you were rated adversely without justification. In fact, the Board noted that your Fitrep does annotate justification for those attribute markings for which you were marked adverse, and the RS provided adequate justification in Section I comments, which were in compliance with the PES Manual.

With regard to your request to change the reporting official's observation from 'observed' to 'not observed' in the alternative, the Board determined that you did not provide any justification or substantial documentation to support this modification. The Board noted that the performance period of the Fitrep in question was 6 months, and determined this was sufficient time to warrant an observed report. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal or modification of the fitness report from your OMPF.

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,

2/18/2022



Executive Director

Signed by: 