



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. 4629-21
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 23 July 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 12 February 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 23 July 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 modify your 26 June 2018 to 30 April 2019 Fitness Report by changing the Reviewing Officer (RO) Comparative Assessment from the '4' block to the '5' block. The Board further considered your request to remove all your failures of selection to Chief Warrant Officer 3 (CWO3). You contend that the Comparative Assessment mark in the '4' block is an oversight on the part of the Reviewing Officer (RO) and his assessment does not match his comments. You further contend you contacted the RO and his response shows that he confused you with another newly promoted CWO2. You provided an email from the RO and the RO states that this report was his third CWO2 that he did and stated you were above-average, yet marked the report below-average.

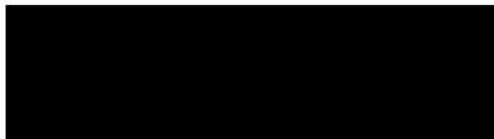
The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System

(PES) Manual guidance. In this regard, the Board noted the email traffic from the RO; however, determined that, at the time of report processing, the RO was well aware of your accomplishments during the reporting period in question, as noted in his corresponding comments, and the email submitted omitted any new facts that were unknown at the time of report processing. Further, the Board further noted that the RO's explanation in the email rejects your contention that there was an oversight when he placed you in the '4' block. The Board also noted that you were promoted to CWO3 on 1 January 2022. The Board thus concluded that your request is lacking in substantial evidence of error or injustice to warrant modification of this report and, based in part on your recent promotion to the next rank, removal of all failures of selection to CWO3 is not supported by the evidence.

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

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Executive Director

Signed by: 