



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. 4631-21
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 16 December 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 23 July 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 30 April 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. 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 November 2019 to 19 April 2020 Fitness Report (Fitrep). The Board considered your contentions that the report was not based on fact, rather an opinion the Reviewing Officer formed on the basis of incomplete information, the report was used as a disciplinary and counseling tool, and the "repeated counselings" were not counselings. You further contend that the Reporting Senior (RS) showed you anonymous complaints that were false depictions of conversations that took place and were wildly exaggerated and, you in turn, told the RS that the situation depicted was not factual. You assert you both joked about the statements. You further assert the Marines in your section did not like you because you held them to standards and they were using the anonymous box to harass you.

The Board, however, substantially concurred with the AO that, in accordance with the Marine Corps Performance Evaluation System Manual, the Fitrep provided factual basis for your relief for cause in the appropriate attribute marking and Section I comments. The Board noted that the

fitness report was procedurally correct as written and filed, and appropriately adjudicated by a Third Officer Sighting. The Board further noted that you did not provide any documentation or reference to support the command used the report as a counseling and/or disciplinary tool. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of 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,



[Redacted]

[Redacted]

Deputy Director

Signed by:

[Redacted]