



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. 4657-21
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 13 January 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 7 June 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, 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 1 June 2017 to 31 May 2018 Fitness Report by changing the Reviewing Officer (RO) Comparative Assessment from the '5' block to the '6' block. The Board further considered your request to remove all your failures of selection to Lieutenant Colonel. The Board also noted that the contested fitness report was available for consideration by the promotion selection board for Fiscal Year (FY) 2022, which you contend caused an injustice and may have affected your selection for promotion. In light of the results of the FY 2023 promotion selection board, the Board also considered your most recent failure of selection. The Board considered your contention that in accordance with the RO's memorandum, the Comparative Assessment mark was erroneous and inconsistent with the RO's assessment of your future potential compared against your peers.

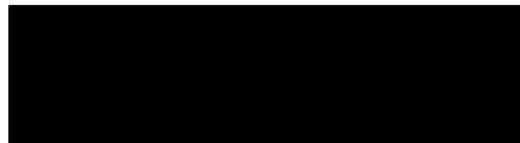
The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System

Manual guidance. In this regard, the Board noted your preceding report was written by a different Reporting Senior for the same duty assignment, but the same RO who marked you in the '5' block as well and therefore, maintained a certain familiarity with your leadership and intellect and wisdom over the course of two reporting periods. The Board further noted the favorable endorsement 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 memorandum submitted omitted any new facts that were unknown at the time of report processing. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting modification of this report and as such, removing all failures of selection to Lieutenant Colonel is not warranted.

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,

2/3/2022

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Executive Director

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