



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

[REDACTED]  
Docket No. 4681-21  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/ enclosures  
(2) Fitness Report for the reporting period 10 Jul 19 to 30 Jun 20  
(3) HQMC memo 1610 MMRP-30 of 24 May 21  
(4) CMC ltr 1610 MMRP-13/PERB of 23 Jul 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing enclosure (2), a fitness report for the reporting period 10 July 2019 to 30 June 2020, from his official military personnel file (OMPF).
2. The Board reviewed Petitioner's allegations of error and injustice on 8 February 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.
  - b. Petitioner contends that the contested fitness report is erroneous and unjust because it is not a reflection of his performance and instead reflects retaliation from the reporting senior (RS) due to Petitioner's 11 June 2020 Request for Mast. Petitioner included as evidence with his application his Request Mast paperwork, various iterations of the contested report showing the RS's original marks and the RS's marks after the Reviewing Officer (RO) intervened, a laudatory e-mail regarding Petitioner's performance during the reporting period, and e-mail correspondence between himself, the RS, the Executive Officer, and the RO during the reporting period.

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c. Enclosure (3), an advisory opinion (AO) furnished by the Headquarters, Marine Corps Manpower Management Division Records and Performance Branch (MMRP-30), recommended denying Petitioner's request to remove the report. The AO noted the fact that the RO directly intervened and apparently influenced the RS to modify the initial RS attribute markings (without associated modification of RS comments) offers compelling argument that the RO assessed that the RS draft evaluation was underweighted. The AO also determined that the RO intervened and influenced the RS to modify the initial attribute markings also represents a textbook example of RO adjudication of an RS evaluation prior to certification and submission for inclusion in the OMPF. The AO thus noted that the RO did take actions to ensure the completeness and accuracy of the contested report, and those RO actions are deemed as sufficient to validate the contested report. Per enclosure (4), the Headquarters Marine Corps Performance Evaluation Review Board found the report to be in compliance with reference (b), and directed that the contested report be retained as filed.

#### CONCLUSION

Upon review and consideration of all the evidence of record the Board determined that Petitioner's request warrants relief. The Board noted that Petitioner provided evidence that the RS evaluation was underweighted, that the RO was aware that the RS markings were undervalued, and that the RO intervened with the RS to increase the markings. The Board also noted that the comments were not modified and Petitioner provided evidence that his conduct and performance during the period warranted a higher evaluation. The Board found that the report was unjust and concluded that Petitioner's fitness report at enclosure (2) shall be removed.

#### RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner's naval record be corrected by removing enclosure (2), the fitness report for the reporting period 10 July 2019 to 30 June 2020.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. The foregoing corrective action of the Board is submitted for your review and action.

2/18/2022

[REDACTED]  
Executive Director

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] USMC

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

3/1/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]