



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. 4682-21
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 18 November 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 28 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 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.

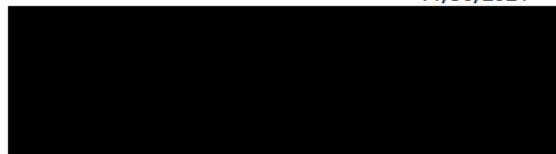
The Board carefully considered your request to modify your fitness report for the reporting period 14 January 2018 to 29 April 2018 by changing the comparative assessment from the "4" block to the "6" block. The Board considered your contention the comparative assessment should be changed because it was derived from the Reviewing Officer's (RO) inaccurate understanding of the Marine Corps Performance Evaluation System (PES). The Board further considered your contention your lack of seniority and short time on station were weighted over your performance and future potential which makes the comparative assessment inconsistent with the PES Manual. Additionally, the Board considered the RO's request and justification for modification of the fitness report by changing the comparative assessment from the "4" block to the "6" block.

The Board noted the PERB modified the contested fitness report by changing the comparative assessment from the "4" block to the "5" block. The Board, thus substantially concurred with the AO and the PERB Decision that the report, as modified by the PERB, is valid as written and filed, in accordance with the applicable PES Manual guidance. Specifically, the Board determined the highly favorable RO narrative as well as the highly favorable comments by the Senior Marine Representative warranted the upgrade to the "5" block but concluded an increase of two blocks, from "4" to "6," requires more evidence than has been submitted. The Board thus concluded there is insufficient evidence of an error or injustice warranting your requested relief.

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,

11/30/2021

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Executive Director

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