



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. 4722-21
Ref: Signature Date

Dear ■■■■■

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 2 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 9 July 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 fitness report for the reporting period 16 December 2017 to 15 June 2018. The Board considered your contention the Reporting Senior's (RS) Section I comments omitted a mandatory directed comment regarding the RS's non-availability during the reporting period and, had that comment been added, it would have explained that the RS was not available at the squadron for two of the six months of the reporting period, and that no meaningful observation was possible during that time. The Board also considered your contention regarding the change in reviewing officials for this contested fitness report from your preceding report.

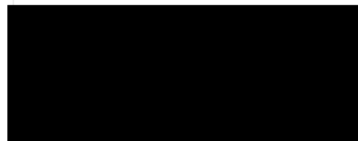
The Board noted the PERB modified the contested fitness report by inserting the following comment in Section I: "Directed Comment: RS period of non-availability from 20171216 to 20180218 due to RS assumption of command." The Board, thus substantially concurred with the AO and the PERB decision that the report, as modified by the PERB, is valid as written and filed,

in accordance with the applicable Performance Evaluation System (PES) Manual guidance. Specifically, the Board determined the PERB modification rectified the administrative oversight. Further, the Board noted you provided insufficient evidence of an error or injustice with the RS or Reviewing Officer portions of the report which further diminished your argument for report removal. 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,

12/23/2021

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Deputy Director

Signed by:

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