



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

█  
Docket No. 5331-21  
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 20 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 11 August 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 13 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 11 August 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 remove your 2 April 2018 to 18 May 2018 Fitness Report (Fitrep) and replace it with an Administrative Filler. The Board considered your contentions that the report was marked adverse for failing a Physical Fitness Test (PFT) due to improperly counted crunches, the Reviewing Officer (RO) stated he was standing immediately next to you during the conduct of the crunches, and as you achieved your 58<sup>th</sup> crunch, the RO approached and stated the last 5 did not count. You further contend that as you completed your 75<sup>th</sup> crunch, the RO stated that it was number 69, which is in contradiction to what the Marine counting your crunches stated, and that the Reporting Senior (RS), RO, and Third Officer Sighter claim the PFT was conducted in accordance with MCO 6100.13A.

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 failed PFT, and was warranted. 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 substantial documentation or reference, other than your subjective interpretation, to refute that the command leadership did not execute and evaluate the PFT in accordance with MCO 6100.13A. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of the 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,

2/7/2022



Executive Director

Signed by:

