



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

█  
Docket No: 5340-21  
Ref: Signature Date

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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 8 February 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) (the PERB Decision), and the 20 April 2021 Advisory Opinion (AO) provided to PERB by the Manpower Management Division Records & 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.

The Board carefully considered your request to modify the fitness report covering the period 2 May 2018 to 23 July 2018 by changing the Reviewing Officer (RO) markings to not-observed and, in the alternative, removing the entire fitness report. You argue that the report is erroneous because the RO did not have significant observation of you during the reporting period, violating the Marine Corps Performance Evaluation System (PES) Manual minimum 90-day requirement for an observed report. In addition, you contend that the RO's comments that you were in the top 50% of his profile were inconsistent with his markings, which placed you in the bottom of his profile.

The Board concurred with the AO that the PES Manual does not mandate minimum observation time requirements for the RO. Moreover, the Board noted that the RO stated in the report that you were "in the top 50 percent of SSgt's I have worked with". Thus, the Board found your arguments regarding being in the bottom half of his profile unpersuasive and determined no error

exists with the RO's comment. Consequently, the Board determined that the fitness report is administratively correct and shall remain in your official military personnel file as written.

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,

2/16/2022



Executive Director

Signed by:

