



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: 5347-21

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 15 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 16 April 2021 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was 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 fitness report for the reporting period 13 August 2017 to 31 December 2017. The Board considered your contention that your reporting senior (RS) intentionally marked attributes in a manner to ensure your fitness report would be at the bottom of his profile, while simultaneously writing laudatory comments in Section I to mislead you into believing the overall report is laudatory. You also contend that the reviewing officer (RO) did not sufficiently observe your performance during the reporting period, the RO did not amplify his comparative assessment mark, he did not make every effort to know you, there is disparity between the comparative assessment mark and comments, and the RO did not abide by the Marine Corps Performance Evaluation System (PES) Manual. You claim that you were unfairly and unlawfully reported on by your reporting chain.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted that your RS did not have a profile when your fitness report was processed. The Board also noted the comments by your reporting officials and determined that the comments were positive, but not excessively laudatory in nature. The Board also determined that the PES Manual does not provide a scale to match attribute marks and comparative assessment marks with comments. The Board found no evidence to support your contentions or that your performance and conduct warranted higher marks than you received and you provided none. The Board further determined that your fitness report was prepared and submitted according to the PES Manual. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

2/25/2022

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Executive Director
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