



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: 5422-21
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 22 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. The Board also considered the 15 July 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 29 March 2021 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO). The PERB Decision and the AO were provided to you on 15 July 2021, and you were given 30 days in which to submit a response.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. The Board carefully considered your request to modify the fitness report covering the period 1 June 2015 to 3 August 2015 by removing the reviewing officer (RO) Comparative Assessment mark and in the alternative removing the report entirely. You contend that the RO erroneously reduced your Comparative Assessment marking on back-to-back evaluations.

The Board noted that the PERB modified the contested fitness report by removing the following language from Section K-4 (Reviewing Officer Comments): "His section received a 73% overall during the inspection. Future assignment considerations should include Supply Battalion where experienced supply management leadership is available."

The Board concurred with the AO that the PES manual does not constrain the RO to mark the Comparative Assessment the same as the preceding evaluation but does require the RO to provide comments if there is a change, which the RO correctly provided. The Board determined that the contested report, as modified, 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,

2/28/2022

Deputy Director