



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: 5446-21
Docket No: 5447-21
Ref: Signature Date



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 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, as well as the 11 August 2021 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 31 March 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 reports for the reporting periods 1 June 2017 to 31 December 2017 and 1 January 2018 to 24 May 2018. The Board considered your contentions that your reporting senior (RS) failed to provide you with a billet description and the expectations for the accomplishment of your duties and you did not received a brief at the completion of the reporting period. You also contend that you had limited contact with your RS, there was no effort to visit your work space or to seek information from the civilian leadership regarding your performance, and you received two reports with identical grades across both reporting periods. You claim that your fitness report demonstrates a lack of understanding of the Marine Corps Performance Reporting System. You also claim that your RS's profile contained four fitness reports, of those, two were written on you and two on another peer that worked adjacent from the RS while you worked 12 miles away.



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The Board, however, substantially concurred with the PERB decision that your fitness reports are valid and should be retained as filed. In this regard, the Board noted that although your RS was a Navy officer, your reviewing officer (RO) was a Marine officer. The RO reviewed your fitness reports according to the Marine Corps Performance Evaluation System Manual and concurred with your RS's evaluation and comments. The Board found no evidence that your performance and conduct warranted higher grades than you received and you provided none with your application. Therefore, the Board also agreed with the AO that your contentions do not constitute a basis to invalidate your fitness reports. 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,

3/7/2022



Executive Director

Signed by:

