



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: 5449-21
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 23 July 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 January 2017 to 17 January 2018. The Board considered your contentions that your fitness report has degraded the ability for promotion board members to see your value to the military and you may be considered a liability. You claim that after the reporting period you obtained another military occupational specialty and achieved other accomplishments. You also claim that you were told that you have a very competitive record for promotion. As evidence, your furnished correspondence from your former reporting officials.

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 fitness report was marked adverse because you exceeded the established Marine Corps height, weight, and body fat standards. The Board also noted the correspondence furnished by your reporting officials and

determined that according to the Marine Corps Performance Evaluation System Manual, your fitness report was not eligible for consideration as an extended report. In addition, the Board agreed with the AO that adverse fitness reports are specifically precluded from being extended. Therefore, the Board found no evidence that the underlying basis of your reports' adversity was invalid. 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

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Executive Director

Signed by: █