



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

█  
Docket No: 5474-21  
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 1 March 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 15 July 2021 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 1 February 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 15 July 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 20 June 2020 to 31 October 2020. The Board considered your contentions that Section I of your fitness report contains errors and your fitness report was used as a counseling tool in violation of the Marine Corps Performance Evaluation System (PES) Manual. You also contend that you received an initial counseling, but you were not counseled during the reporting period. You claim that you received a special counseling on 20 November 2020, after the end of the reporting period, during which, your reporting senior (RS) notified you that the reason for the low marks was contained in the counseling.

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 determined that counseling can

take many forms, and formal counseling during the reporting period is not required according to the PES Manual. The Board noted that your RS abbreviated your grade "1st" instead of "1stLt", the Board determined that the errors are administrative in nature and do not invalidate the fitness report. The Board also determined that your special counseling was valid, fell outside the reporting period and is therefore immaterial. The Board found no evidence that your performance and conduct rated higher marks than you received and you provided none. 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,

[REDACTED] 3/11/2022  
[REDACTED]  
Executive Director  
[REDACTED]