



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

█  
Docket No. 5713-21  
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 10 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 27 August 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 24 June 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 27 August 2021. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

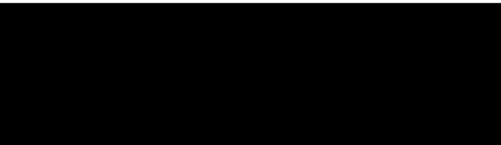
The Board carefully considered your request to remove your 4 April 2019 to 13 September 2019 Fitness Report (Fitrep). Alternatively, the Board considered your request to modify your Fitrep by changing it from 'observed' to 'not observed' or split into two separate 'not observed' reports. The Board considered your contentions that the reporting senior (RS) did not have sufficient observation time due to deployment in support of ITX. You argue that the Performance Evaluation System (PES) Manual states for periods of 89 days or less, RS's shall not submit an observed report unless their observation results from meaningful personal contact that is not normally obtainable, and if so, the RS must justify in Section I why this exception to policy is being invoked, to include the circumstances resulting in meaningful personal contact. You further contend the RS in fact, comments on the short observation time as the report duration reflects. You assert the report should be two separate reports based on this non-observed period of time. The Board also considered your contention that you will be considered by the Fiscal Year (FY) 2023 Major Promotion Selection Board.

The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the RS's limited observation, however, determined that, at the time of report processing, the RS was well aware of your accomplishments during the reporting period in question and felt it necessary to provide you an observed report based on his observation. The Board further noted that the reviewing officer concurred with the RS's assessment. The Board also noted that you were selected for promotion to Major as published in ALNAV 080/21 on 17 November 2021. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal or modification of this report from your official military personnel file.

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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Deputy Director

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