



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

█
Docket No. 5723-21
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.

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. A three-member panel of the Board, sitting in executive session, considered your application on 28 December 2021. 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 28 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 determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your fitness report for the reporting period 16 July 2016 to 31 March 2017. The Board considered your contention the Reporting Senior (RS) and Reviewing Officer (RO) were influenced by the command's Sergeant Major who was the "primary source of sexual harassment, bullying, and ostracism" and was responsible for "fostering a humiliating environment for women." The Board also took into consideration your statement which included examples of the sexual harassment that "detrimentally

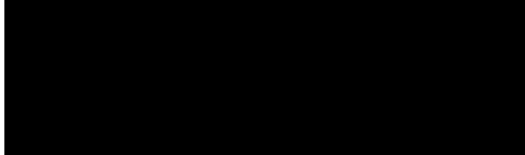
influenced” your RS’s and RO’s evaluation of you, as well as the e-mail exchange you provided between yourself and the RS.

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 Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted there is insufficient evidence to support your allegations of sexual harassment or its contended negative impact on your performance evaluation. Further, the Board noted you omitted any evidence your performance and conduct warranted higher marks than you received. Additionally, the Board noted the RS’s e-mail but determined the simple response “I concur and support the request” provided insufficient evidence to support your request to completely remove the fitness report from your record. Lastly, the Board noted the absence of input from the RO or documentation of an attempt to solicit the RO’s support. The Board concluded your request is lacking in substantial evidence of error or injustice warranting removal.

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,

1/15/2022

A large black rectangular redaction box covering the signature area.

Deputy Director

A black rectangular redaction box covering the name of the Deputy Director.