



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

█
Docket No: 5762-21
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █
█ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report for the reporting period 1 Apr 20 to 29 Jan 21
(3) HQMC memo 1610 MMRP-30 of 9 Jul 21
(4) CMC ltr 1610 MMRP-13/PERB of 13 Sep 21
(5) Fitness Report for the reporting period 8 Nov 19 to 31 Mar 20

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting her naval record be corrected by removing enclosure (2).

2. The Board reviewed Petitioner's allegations of error and injustice on 28 December 2021, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued a fitness report for the reporting period 1 April 2019 to 29 January 2021. Petitioner contends the following in her request to remove the fitness report:

(1) Petitioner's duty assignment on the contested report was different than the duty assignment from the prior report (See enclosure (5)), and she did not receive counseling on the new job description;

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(2) The Reporting Senior (RS) did not counsel her on any wrong doing. Petitioner further contends she reached out to him in an attempt to discuss the report but he, having retired the same week that he completed the fitness report, has not responded;

(3) The Reviewing Officer (RO) gave her the same marks on the reporting tree as the prior fitness report which, was 1.5 points higher, and

(4) The pronoun “he” was used in the comments which makes Petitioner believe that it was copied and pasted.

c. On 13 September 2021, Petitioner’s request contained in enclosure (1), as well as the AO at enclosure (3), were considered by the Headquarters Marine Corps Performance Evaluation Review Board (PERB). As referenced in enclosure (4), the majority opinion of the three members of the PERB was the petition did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report in accordance with reference (b).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. In this regard, the Board determined there was sufficient evidence of an error and injustice to warrant removal of the contested fitness report at enclosure (2). In this regard, the Board compared the Section C Billet Accomplishments of enclosures (2) against the Section C Billet Accomplishments in Petitioner’s preceding fitness report at enclosure (5), issued by the same reviewing officials, and determined that Petitioner accomplished more during the reporting period for the contested fitness report at enclosure (2) than her preceding fitness report at enclosure (5), yet her RS substantially decreased all of her attribute markings in Sections D through G, but did not justifying in Section I why the attribute markings were reduced to the lowest possible mark without rendering the report adverse.

The Board concluded the RS did not appropriately articulate his markings or address the substantial decrease in Section D through Section G attribute markings. The Board further noted the RO’s comparative marking remained in the “5” block on both fitness reports. The Board concluded it was in the interest of justice to grant Petitioner’s requested relief and remove the contested fitness report at enclosure (2).

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner’s naval record be corrected by removing enclosure (2), the fitness report for the reporting period 1 April 2020 to 29 January 2021.

4. It is certified that a quorum was present at the Board’s review and deliberations, and that the foregoing is a true and complete record of the Board’s proceedings in the above-entitled matter.

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5. The foregoing action of the Board is submitted for your review and action.

1/18/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

1/25/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]