



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. 5775-21
Ref: Signature Date

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Dear █:

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 17 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 13 September 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 13 September 2021. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

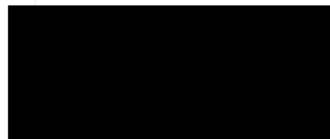
The Board carefully considered your request to remove your 1 January 2016 to 24 June 2016 Fitness Report (Fitrep). The Board considered your contentions you feel your performance was inaccurately captured by the Reviewing Officer (RO), the RO's comments concurred with the Reporting Senior (RS), and you were performing consistently in a Recruiting Sub-Station (RSS) area known for its challenges in accomplishing monthly contracting mission. You further contend being rated with the vast majority would be an inaccurate assessment due to being one of the few Recruiters canvassing in an inner city RSS. You assert the Fitrep is unjust due to receiving a Comparative Assessment marginally above a Marine accomplishing the bare minimum. The Board noted that you were advised to request for removal as it may have hindered your chances of being selected to Gunnery Sergeant on the previous Fiscal Year 2020 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 Performance Evaluation System Manual guidance. In this regard, the Board noted your two preceding reports were written by the same reporting officials for the same duty assignment, was also marked in the '3' block and therefore, they maintained a certain familiarity with your leadership and performance over the course of two reporting periods. The Board further noted that the RO was well aware of your accomplishments during the reporting period in question, as noted in his corresponding comments, and you failed to provide any evidence, other than your personal statement, that your performance warranted a higher Comparative Assessment mark. The Board also noted that you omitted any endorsement from your reporting officials to support your contentions. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting modification of this report and as such, removing all failures of selection to Lieutenant Colonel is not warranted.

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,

3/9/2022

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Executive Director

Signed by:

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