



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

█
Docket No. 5787-21
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 13 January 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 17 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, 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 the fitness report covering the reporting period 13 October 2020 to 19 November 2020. The Board considered your contention the Physical Fitness Test (PFT) failure, which occurred while attached to the Senior Noncommissioned Officer (SNCO) Academy Sergeant's Course and resulted in the contested adverse fitness report, was erroneous. Specifically, you contend you passed a PFT prior to departing your command for the Sergeant's Course and passed a total of six PFTs upon returning to your command but the PFT administered at the SNCO Academy was improperly performed. You contend you should have been allowed an opportunity to retest after failing to properly perform the pushups.

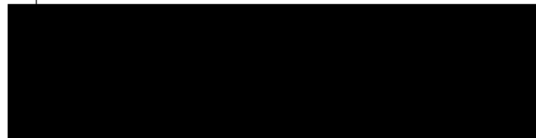
The Board, however, substantially concurred with the AO and the PERB decision that the report

is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. In this regard, the Board noted there is insufficient evidence the SNCO Academy deviated from the requirements while administering your PFT. Further, the Board noted the contended SNCO Academy's lack of recording the failed PFT would not invalidate the contested report because the adversity is reflected in the failed score documented in section A and amplified in section I of the contested report. Lastly, the Board noted you did not rebut the adversity at processing. 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,

2/3/2022

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Executive Director

Signed by:

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