



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

■  
Docket No. 5818-21  
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 20 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 22 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 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.

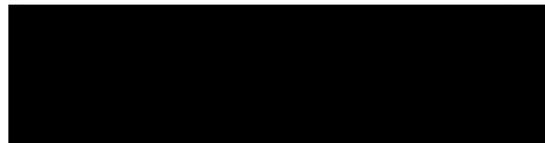
The Board carefully considered your request to modify the fitness report for the reporting period 20 June 2019 to 30 September 2019 by changing it to “non-observed”. The Board considered your contention the report was utilized as a counseling tool rather than a proper evaluation of your full potential as a Marine. The Board also considered your contention the comments contain phrases that are “negative in nature.” Lastly, the Board considered your contention you and the Reporting Senior (RS) had “differences that hurt [your] professional relationship” and you could not recover from the negative perception he had of you.

The Board noted the PERB modified the contested fitness report by removing the following comment in section I: “When he possesses a positive attitude, he performs solid work as evidenced by his assistance in developing the annual training and education plans.” The PERB also removed the following phrase from the section K comments of the Reviewing Officer: “...he produces great results when focused on task at hand.” The Board, thus substantially concurred with the AO and the PERB Decision that the report, as modified by the PERB, is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. Specifically, the Board determined the PERB modification corrected errors in the contested report and concluded, absent the negative phrases, the balance of the report is valid as written. In making this finding, the Board noted you did not provide evidence to support your contentions the contested evaluation was used by the RS as a counseling tool or that your strained relationship with the RS affected his evaluation of your performance. The Board thus concluded there is insufficient evidence of an error or injustice warranting your requested relief.

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,

2/9/2022

A large black rectangular redaction box covering the signature area.

Executive Director

Signed by: 