



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: 6559-21
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.

A three-member panel of the Board, sitting in executive session, considered your application on 8 March 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. The Board also considered the 27 September 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 28 July 2021 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO). The PERB Decision and the AO were provided to you on 27 September 2021, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove the fitness report covering the period 1 July 2018 to 30 June 2019. Your request to remove your extended report covering the period 1 July 2019 to 26 August 2019 was addressed by the Board via separate correspondence. You contend that the 1 July 2018 to 30 June 2019 report does not follow Performance Evaluation System (PES) Manual guidance as the reporting senior (RS) did not provide adequate counsel regarding your responsibilities and duties, did not provide counsel throughout the reporting period, and unjustly gave low attribute marks that did not match the RS comments regarding your performance at your going-away luncheon. You provided multiple letters of recommendation advocating the removal of the report in question.

The Board noted that you did not contest the reviewing officer (RO) portion of the report and there is no endorsement from the reviewing officials to modify or remove the report. Moreover, the Board noted that the documentation you provided did not provide any evidence that the

report contained an error or injustice. Finally, the Board concurred with the AO that the PES Manual does not require the RS to match attribute markings with comments that the RS would make at a luncheon and that a failure of selection does not constitute grounds for removal of a fitness report. Consequently, the Board determined that the contested report is administratively correct and shall remain in your official military personnel file as written.

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,

3/22/2022

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Executive Director

Signed by: 