



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. 6560-21
Ref: Signature Date

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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 17 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, as well as the 27 September 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 1 July 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 27 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 July 2019 to 7 October 2019 Fitness Report (Fitrep). The Board considered your contention that there were extenuating circumstances that adversely impacted your performance on the physical fitness test (PFT). Specifically, over a 12-month period, you had three miscarriages, with the most recent one being on 26 May 2019, in which you underwent a dilation and curettage procedure. You further contend this procedure affected your core and back strength, thus leading to your poor performance on the PFT. You assert this was the first time you failed a PFT in 13 years and the first adverse Fitrep you received. In your Fitrep rebuttal, you acknowledged the misfortune, took full responsibility, and believed it not to be a definition of you, but a test of your character. You further assert you took a PFT a month later and passed it with a first class score.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the Fitrep was procedurally

correct as written and filed. In this regard, the Board determined that although your PFT failure was unfortunate, it was due to your own lack of conditioning and preparation, to which you acknowledged. Additionally, the Board noted the Third Officer Sighter's comments in adjudicating the adverse nature of the Fitrep. The Board also considered that you did not provide any medical documentation to support your contentions regarding the negative effect of your medical condition nor did you provide evidence that you communicated these issues with your command prior to taking the PFT. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting removal of the Fitrep from your official military personnel file.

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,

3/29/2022



Executive Director

Signed by:

