



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

██████████
Docket No. 6590-21
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 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 27 September 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 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 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 October 2019 to 7 February 2020 Fitness Report (Fitrep) as modified by the PERB. The Board considered your contentions that: (a) the Fitrep is not an accurate representation of your knowledge, skills, and abilities; (b) it was written during a period of continuous administrative turnovers and absences within the leadership of Supply Company; (c) you held the billets of Company Gunnery Sergeant and First Sergeant; (d) the Reporting Senior (RS) did not observe you directly for enough time to accurately assess your accomplishments; and (e) you are concerned that the Fitrep does not accurately represent what you achieved and will negatively impact your assessment for promotion and retention.

The Board, however, substantially concurred with the PERB's modification to "adjust the RS portion of the Fitrep to reflect 'Not Observed' and remove all associated markings, including Section I comments." In this regard, the Board determined that PERB's modification is

sufficient enough, and thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of the fitness report from your OMPF.

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

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

A black rectangular redaction box covering the contact information of the Executive Director.