



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

█  
Docket No. 6742-21  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. 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 31 August 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 modify your 2 September 2016 to 4 March 2017 Fitness Report (Fitrep) by changing all Attribute Markings to 'E.' The Board considered your contentions that the Reporting Senior's (RS) Attribute Ratings provided at report processing were not representative of your performance during the period, the scores are well below the previous report as a Captain, Section I comments do not outline an explanation for the reduction of the markings, and you continue to sit at the top on the RS' Profile for Captains.

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 PES Manual guidance. In this regard, the Board noted the favorable endorsement from the RS; however, determined that, at the time of report processing, the RS was well aware of your performance during the reporting period in question and the endorsement omitted any new information that were not unknown.

The Board further noted the RS failed to justify your performance rated a substantial correction to 14 Attribute Markings well after the actual observation of performance. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting modification of this 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

