



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

■  
Docket No: 7144-21  
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.

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 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 25 August 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report covering the period 4 April 2014 to 6 March 2015 or in the alternative to remove all reporting senior (RS) markings and comments from your record. You argue that the report is unjust because the RS was relieved of battalion command for abuse of authority and toxic command climate. You further contend that the RS unjustly made adverse comments that render the report invalid.

The Board noted that the PERB modified the contested fitness report by removing the following language from Section I (Additional and Directed Comments): “Capable of assuming positions requiring greater responsibility if she is committed to the mission”.

The Board concurred with the AO that the fact that an RS is relieved does not per se invalidate the fitness reports the RS wrote. The Board noted that the command investigation does not prove that the fitness report itself is inaccurate. The Board further noted that you did not provide any documentation to support your contention that you deserved higher marks on the report. Consequently, the Board determined that the contested report, as modified, 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,

3/21/2022

