



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: 7219-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your reconsideration request for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. You previously petitioned the Board for Correction of Naval Records (Board) and were advised in the letter dated 2 July 2021 that the Board denied relief regarding your request to modify the fitness report covering the period 23 June 2018 to 4 December 2018. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your reconsideration request 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 13 September 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 26 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 13 September 2021, and you were given 30 days in which to submit a response.

The Board carefully considered your request to modify the fitness report covering the period 23 June 2018 to 4 December 2018 by changing the start date from 23 June 2018 to 24 August 2018 as your previous reporting senior (RS) did not depart until 23 August 2018 and you should have received a change of Reporting Senior (RS) fitness report. You also requested to change the fitness report end date to 18 November 2018. You argue that the contested fitness report should be not observed due to insufficient RS observation and an unjust reviewing officer (RO) assessment. You argue that the report covered 87 days, which is less than the 90 days required by the Performance Evaluation System (PES) Manual for an observed fitness report and included your Chronological Record as evidence. In addition, you argue that the RO dropped your

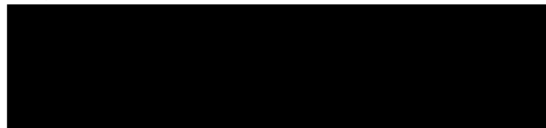
assessment from the '5' block in the previous fitness report to the '3' block in order to reset his profile.

The Board noted that for this reconsideration request the only new evidence that you provided was your Chronological Record to support your contentions. The Board further noted that the Chronological record states 18 November 2018 as a transfer date for future duty with MCC R21; however, you did not actually join MCC R21 until 5 December 2018. Thus, the end date for the contested report is correct. The Board concurred with the AO that the report complied with the PES Manual. As stated in the fitness report, the Commandant of the Marine Corps authorized an exception to the reporting schedule for Marine Security Guard (MSG) due to the movement cycle of MSG Detachment Commanders and the RS correctly invoked the exception via Section I directed comments. Moreover, there is insufficient evidence that the RS and RO marked the fitness report to reset their profiles and there is no PES Manual guidance that prevents an RO from reducing a comparative marking on back-to-back reports. Consequently, the Board determined that the fitness 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



Executive Director

Signed by:

