



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

█  
Docket No: 7881-21  
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 15 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 29 November 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 3 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 29 November 2021, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove the fitness report covering the period 1 June 2016 to 6 January 2017. You contend that the reporting senior (RS) inappropriately recorded your performance by copying Section I comments that you had written for a Marine the RS was the reviewing officer (RO) for and using those comments for your Section I comments.

The Board noted that the Section I comments that were on the contested report were not verbatim the comments you wrote for the Marine that your RS was the RO for and the RS did tailor the comments to match your billet description. The Board also noted you did not object to the RO portion of the evaluation and did not include any documentation from the RS or the RO endorsing your request to remove the report. In addition, the Board concurred with the AO that the PES Manual does not prevent a reporting official from using previously used language within

other fitness reports. Consequently, the Board determined that the contested 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,

4/1/2022

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Deputy Director

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