



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

█  
Docket No. 7884-21  
Docket No. 7886-21  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your applications 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 applications, 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 applications have been denied.

A three-member panel of the Board, sitting in executive session, considered your applications on 24 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 29 November 2021 decisions by the Marine Corps Performance Evaluation Review Board (PERB) and the 21 October 2021 Advisory Opinions (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decisions and the AOs were provided to you on 29 November 2021. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your requests to remove your fitness reports for the reporting periods 22 June 2019 to 12 August 2019 and 13 August 2019 to 24 September 2019. The Board considered your contention the reports are not written in accordance with the Performance Evaluation System (PES) Manual. Specifically, you contend you were not counseled by the Reporting Senior (RS) during either reporting period, the RS submitted the reports without first discussing them with you, and the RS did not adhere to the PES Manual when rating your performance or provide the required directed comment regarding your professional development. The Board also considered your contention that your "non-existent relationship" with the Reviewing Officer (RO); the subjectivity, bias, and unfair nature of the RS's markings and comments; and the battalion standard for RSs to submit an RO worksheet resulted in RO markings and section K comments that were biased, unjust, and subjective.

The Board, however, substantially concurred with the AO and PERB Decision and determined the reports for the 22 June 2019 to 12 August 2019 and 13 August 2019 to 24 September 2019 reporting periods are valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the PES Manual does not require the RS discuss the fitness report with you prior to submission nor is relief generally granted on the basis of alleged lack of counsel since counseling takes many forms. The Board concurred with the AO that the reports paint a picture of a Marine who strove diligently but achieved adequate results. The Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested reports.

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,

3/25/2022

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

Deputy Director

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