



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

█  
Docket No. 22-22  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 April 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 13 December 2021 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 24 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 13 December 2021. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 6 July 2016 to 31 December 2016 Fitness Report. The Board considered your contention that your Reporting Senior (RS) had insufficient observation time and that none of the exception to policy guidelines were addressed in your Fitness Report.

The Board, however, substantially concurred with the AO and the PERB decision that the Fitness Report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the following:

The Reviewing Officer (RO) states that the RS and RO both had adequate observation time of you as a staff noncommissioned officer throughout the reporting period while conducting pre-

deployment training. The Board also determined that an exception to policy regarding not observed reports defies the spirit and intent of the PES Manual. The order specifically states that, "Reporting Officials should take all possible action to reduce not observed fitness reports. Not observed reports diminish the amount of useful information in a Marine's performance record, take valuable time to process, and provide only continuity to a Marine's record." Furthermore, The RS was not required to invoke an exception to policy regarding minimum observation requirements because the reporting period exceeded 90 days. The Board thus concluded that your request is lacking in substantial evidence of error or injustice of the contested Fitness Report established in 2016.

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,

5/2/2022

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.