



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

[REDACTED]  
Docket No: 1503-22  
Ref: Signature date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED]  
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552  
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/enclosures  
(2) Fitness Report for the reporting period 9 Sep 17 to 31 Dec 17  
(3) HQMC memo 1610 MMRP-30 of 25 Aug 21  
(4) HQMC memo 1610 MMRP-13/PERB of 15 Feb 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected by removing the fitness report for the reporting period 9 September 2017 to 31 December 2017.

2. The Board reviewed Petitioner's allegations of error and injustice on 31 March 2022, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (2), a fitness report for the reporting period 9 September 2017 to 31 December 2017. Petitioner contends the following in his request to remove the fitness report from his official military personnel file (OMPF):

(1) The fitness report was unjustly graded by the Reporting Senior (RS) due to the command environment and a biased influence on him by the Reviewing Officer (RO).

(2) The RO negatively influenced the RS to render lower markings than what the RS felt was appropriate. This is supported by the 11-point increase after the RO was relieved of duty.

(3) He received no negative or corrective counseling of any kind and was not given adverse material at any point while attached to the command.

(4) Despite being assigned to a higher billet and receiving recognition from the Commanding General for his performance, the fitness report, which spans only 113 days, continues to prevent Petitioner from attaining the next higher grade.

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c. On 15 February 2022, Petitioner's request contained in enclosure (1), as well as the AO at enclosure (3), were considered by the Headquarters Marine Corps Performance Evaluation Review Board (PERB). As referenced in enclosure (4), the majority opinion of the three members of the PERB was the petition did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report in accordance with reference (b).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board, noting the totality of the fitness report, and Petitioner's contentions, determined there was sufficient evidence of an error and injustice to warrant removal of the contested fitness report at enclosure (2). Specifically, the Board noted the number of Section C Billet Accomplishments achieved during the three-month reporting period and also commented that the RS and RO at no point stated Petitioner was not fulfilling his assigned duties. The Board further noted the RS and RO appeared to hide behind their words, such as "enjoy a much-needed break" and "undoubtedly come back to the battalion recharged and ready," when, as supervisory leadership they should have been honest and forthright in their explanation of why Petitioner went from being a "rock star" in previous and future reports in the same command and/or issued by the same reporting official to the "bottom of the barrel" in the contested report. The Board concluded it was in the interest of justice to grant Petitioner's requested relief and remove the fitness report at enclosure (2).

#### RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the fitness report for the reporting period 9 September 2017 to 31 December 2017.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.
5. The foregoing action of the Board is submitted for your review and action.

4/28//2022

[REDACTED]

Executive Director

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
XXX XX 9572/4821 USMC

From: Assistant General Counsel (Manpower and Reserve Affairs)

**Reviewed and Approved Board Recommendation (Grant Relief)**

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

5/4/2022

[REDACTED]  
Assistant General Counsel (M&RA)  
[REDACTED]