



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

██████████  
Docket No. 1522-22  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 2 June 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 15 February 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 October 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), and your rebuttal received on 24 March 2022.

The Board noted that the PERB directed modification of your 4 August 2019 to 30 June 2020 Fitness Report (Fitrep) to remove any reference to an Administrative Remarks (Page 11) 6105 counseling that had been removed from your official military personnel file (OMPF). Therefore, the Board carefully considered your request to remove the contested Fitrep, as modified by the PERB. The Board considered your contention that derogatory material that has since been removed from your OMPF was the sole basis for the adverse marking and remarks in the Fitrep.

The Board, however, substantially concurred with the AO and the PERB's modification, and determined that your current record is a matter of fact and, sufficient relief was granted accordingly. In this regard, the Board determined that the adverse nature of the contested Fitrep was due to your repeated lack of sound judgement as annotated on the contested Fitrep, not solely due to the Page 11 6105 counseling entry that was removed from your OMPF.

Furthermore, the Board substantially concurred with the AO that, absent the redacted language, the Fitrep is valid as written. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting removal of the Fitrep, as modified by the PERB, from your OMPF.

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,

6/21/2022

