



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

█
Docket No: 1533-22
Ref: Signature Date

█
█
█

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.

A three-member panel of the Board, sitting in executive session, considered your application on 30 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. The Board also considered the 15 February 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision), and the 21 October 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 27 September 2021, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove the adverse fitness report covering the period 23 July 2020 to 29 January 2021. Your reporting senior (RS) gave you an 'A' marking for Section G.3 'Judgment' for receiving a Report of Misconduct due to conduct-based adversity, specifically, incurring substantial indebtedness and failure to pay financial obligations. The report noted that you received a Page 11 counseling entry on 22 September 2020 for violating the following articles of the Uniform Code of Military Justice (UCMJ): Article 92 (Dereliction of Duty), Article 107 (False Official Statement), and Article 134 (Debt, Dishonorably Failing to Pay).

You argue that the report is unjust due to the Reviewing Officer (RO) comment, "[h]is repeated and well documented inability to accept responsibility for his actions reveals a significant character flaw" and Third Officer Sighter failure to address the factual differences in the report. You contend that you did take responsibility for your actions and offer your letter to the Assistant Secretary of the Navy Manpower and Reserve Affairs (ASN M&RA) of 25 November 2020 as evidence.

The Board noted that the underlying basis of the report's adversity is valid as documented in the Report of Misconduct. Moreover, the Board concurred with the AO that in your request to ASN M&RA for an honorable characterization of service there are statements in which you deflect responsibility and attempt to assign blame to civilians who offered bad legal advice. Thus, the Board concluded that the RO

comment is not without merit. Finally, the Board concurred with the AO that there were no factual differences requiring Third Officer Sighter adjudication. Consequently, the Board determined that there was insufficient evidence to show error or injustice and determined that the fitness report is administratively correct and shall remain in your official military personnel file as written. In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

7/14/2022

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

Deputy Director

Signed by: 