



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

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Docket No: 1534-22

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 17 May 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 30 August 2021 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was provided to you on 15 February 2022, and you were given 30 days in which to submit a response to the AO. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove or modify your fitness report for the reporting period 1 June 2016 to 31 December 2016 by removing the adverse mark. The Board considered your contention that the fitness report is adverse, although you were not assigned to the Body Composition Program (BCP). You claim that according to the Marine Corps Body Composition and Military Appearance Program (MCBCMAP) Manual, only a formal assignment to the BCP renders a fitness report adverse. As evidence, you furnished your Basic Training Record.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted that your body fat percentage exceeded the Marine Corps standard for your age and was appropriately documented in the fitness report. The Board also noted that the MCBCMAP Manual requires an adverse fitness report when a Marine is assigned to the BCP, however, the Board determined that assignment to the BCP is not the only basis to issue an adverse fitness report. According to the Marine Corps Performance Evaluation System (PES) Manual, if a Marine's body fat percentage reported is greater than the maximum allowed for the Marine's age group, the report must be adverse. Based on this factor, the Board determined the basis for adversity of the fitness report was your failure to achieve body composition standards. The Board thus concluded that your reporting chain provided sufficient justification to support the adverse nature of your fitness report. The Board noted, too, that the reviewing officer concurred with the adverse nature of the report and the Third Officer Sighter did not find any factual differences to adjudicate. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting further corrective action.

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,

6/4/2022

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Executive Director

Signed by: █