



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. 2591-22
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 26 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 7 March 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 31 January 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). You were previously provided a copy of the AO for comment.

The Board carefully considered your request to modify the fitness report covering the reporting period 8 June 2019 to 11 October 2019 to reflect “non-observed,” add a period of non-availability from 8 June 2019 to 8 July 2019, and change the report end date to 1 October 2019. You contend the report should have been non-observed due to insufficient observation time. In support of your contention, you submitted a memorandum for the record from the U.S. Naval Academy, Marine Detachment Adjutant explaining you were unable to complete your check-in at your command when you arrived in the area on 3 July 2019 and had to wait until 8 July 2019, the next working day, to finalize your check-in. Additionally, your Reporting Senior (RS) provided an advocacy letter explaining she misinterpreted the Performance Evaluation System (PES) Manual and incorrectly “chose to observe this time period” without meaningful personal contact. The letter also explains that the RS incorrectly calculated the available days as being greater than 90 day and believed an observed fitness report was required. Lastly, the Reviewing Officer (RO) submitted a letter voicing his concurrence with the RS’s request for correction of

the contested fitness report. The RO further requested the observation time in Section K be marked as “insufficient.”

The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted your fitness report correctly does not include a period of non-availability since the period between your detach and join date only amounted to 27 days and does not meet the required 30 day requirement to qualify as a non-availability period per PES Manual guidance. Specifically, you detached your last command on 7 June 2019 and joined your new command on 3 July 2019, the day you checked in with Consolidated Admin. Further, even though the Board noted the RS’s proposed reduction of ten days in observation, they determined even if the reduction were applied, the length of observation during the reporting period would still be greater than 90 days. Therefore, the Board concluded there is insufficient evidence of an error or injustice warranting your requested relief.

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,

6/17/2022

