



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: 2595-22
Ref: Signature Date

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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 7 July 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 7 March 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision), and the 25 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 7 March 2022. You were given 30 days in which to submit a response but chose not to do so.

The Board carefully considered your request to remove or edit the reviewing officer (RO) section K comments for the fitness report covering the period 14 August 2020 to 31 May 2021. You argue that the report is erroneous because the RO made multiple derogatory comments within section K without corresponding adverse material in violation of the Performance Evaluation System (PES) manual.

The Board noted that the report was sent to MMRP-31, which identified the comment, “[h]e makes the typical mistakes of someone learning the ropes and is undeterred by them and determined to do better the next time” as negative. Accordingly, the PERB modified the report by removing the comment but otherwise concluded the report should be retained as filed. The Board concurred with the AO that removing all the comments in section K would constitute an excessive degree of redress. Consequently, the Board determined that the fitness report is

administratively correct as modified by the PERB, and found no error or injustice to warrant removal or further modification of the report. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

7/25/2022

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

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.