



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: 3137-22

Ref: Signature Date



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 14 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 18 March 2022 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 1 March 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was provided to you on 18 March 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 modify your fitness report for the reporting period 1 December 2017 to 10 July 2018 by changing: Section K.1, to insufficient observation; Block 3 'from date' to 1 January 2018; the attribute mark for Courage to 'C'; the attribute mark for Initiative to 'D', and the attribute mark for Setting the Example to 'C'. The Board considered your contention that the reviewing officer (RO) comment, "MRO is an energetic SSgt who can accomplish any task when supervised" is an unacceptable comment according to the Marine Corps Performance Evaluation System (PES) Manual. You also contend that the RO did not have sufficient observation time or knowledge of your performance, no effort was put forth to foster the true integrity of the comments and the original RO did not have time to be the RO for


the fitness report, so the Operations Officer was required to be the RO. You claim that the previous annual report end date overlaps with the contested fitness report's start date. You also claim that your billet accomplishments and reporting senior (RS) comments portray attributes related to higher marks than those received for courage, initiative, and setting the example.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as modified. In this regard, the Board noted that the PERB approved a correction to your record by removing the RO sentence, "MRO is an energetic SSgt who can accomplish any task when supervised." The Board also noted your billet accomplishments and RS comments, however, the Board determined that your billet accomplishments and RS comments are insufficient to warrant an increase to your aforementioned attribute marks. Moreover, the PES Manual does not provide a metric to match reporting official comments or billet accomplishments with attribute marks.

Concerning your request to correct block 3.b—from date—of your fitness report, the Board determined that you have not exhausted your administrative remedies. The Board determined that your contention may have merit, however, the correction is administrative in nature. You may submit correspondence for an administrative correction to Headquarters Marine Corps (MMRP-31). As, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting amendment to the fitness report. Accordingly, the Board found insufficient evidence of error or injustice to 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,


6/29/2022

