



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

█
Docket No. 3147-22
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.

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 31 March 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 10 December 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report covering the reporting period 1 July 2019 to 30 January 2020 because the report is in error and unjust. Specifically, you contend the markings do not match the word depiction. You further contend you previously received two fitness reports from the same Reporting Senior, both of which were marked significantly higher than the contested report. Finally, you contend the Reviewing Officer said your performance was average but marked you "one block away from unsatisfactory" and this marking does not match your performance.

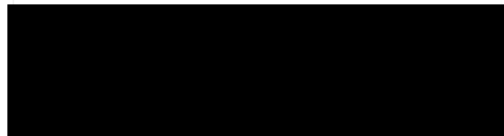
The Board considered your listed achievements during the reporting period, to include your Professional Military Education and civilian education accomplishments. The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and

filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the previous fitness reports were based on different duty assignments and your tour progression appears to be somewhat regressive, as it pertains to designated Staff Noncommissioned Officer responsibilities. Further, the Board noted there is no scale to “match” attribute markings with associated comments. Finally, the Board noted that each of the accomplishments you specifically noted were accounted for in the fitness report comments. 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



Executive Director

Signed by:

