



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: 3154-22

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 14 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 8 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 23 March 2022 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 8 April 2022, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove from your official military personnel file (OMPF) an adverse fitness report covering the period 1 June 2016 to 31 December 2016. The report was adverse because on 15 December 2016 you failed to meet height and weight standards. You contend the report is erroneous because you were able to retain acceptable height/weight/body fat standards prior to formal assignment to the Body Composition Program (BCP).

The Board noted that the Performance Evaluation System (PES) Manual does not require that a Marine be formally assigned to BCP in order to render a fitness report adverse. The Board further noted that in your rebuttal to the reviewing officer portion of the report you admitted that during the reporting period you failed to maintain height and weight standards. The Board concurred with the AO that re-attainment of acceptable height and weight standards prior to

formal assignment to BCP does not remove the requirement to document the failure. Consequently, the Board determined that the contested report does not contain a material error or injustice warranting removal from your record.

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,

8/8/2022

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Deputy Director

Signed by:

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