

DEPARTMENT OF THE NAVY

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

> Docket No. 3159-22 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 6 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. The Board also considered the 8 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 22 March 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), as well as your 10 May 2022 response to the AO.

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

The Board carefully considered your request to remove your 1 June 2020 to 31 December 2020 fitness report. The Board considered your implicit contention that the fitness report does not accurately reflect your performance and conduct during the reporting period, as noted on your Marine Reported On Worksheet, which listed many significant accomplishments, completed professional military education (PME) and other education. You also assert that you were holding key billets such as Substance Abuse Controlled Officer (SACO), Unit Transition Coordinator and that while performing your duties as a dual active duty military parent during the pandemic, you continued to enforce policies associated with your billet.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that your reporting officials specifically referenced your roles as the SACO and Transition Coordinator as well as your accomplishments in respect to urinalysis totals which were referenced in Sections C and I. Finally, the board determined that with regards to your PME a marking of "B" indicates that you maintained currency in required military skills and related developments and that you completed or were enrolled in appropriate level PME for your grade and level of experience, and that a marking of "B" does not require justification. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice of this report.

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.

