



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. 3171-22
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 23 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 by the Marine Corps Performance Evaluation Review Board (PERB), and the 22 February 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision was provided to you on 18 March 2022 and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 1 January 2019 to 30 April 2019 Fitness Report (Fitrep) as modified by the PERB. The Board considered your contention that Section I comments of the contested Fitrep contained an adverse statement that references a prior reporting period which you were already evaluated for and the Reviewing Officer's marks were skewed by concurring with the RS' comments. You assert the RS' adverse statement was intentional to refer to prior deficiencies in a degrading manner, lowering the merit of the Fitrep. Based on this action, you believe the Fitrep is unjust and not written in accordance with the Performance Evaluation System (PES) Manual.

The Board noted the PERB's action recommending the Fitrep be retained as filed; however, directed the removal of the adverse phrase noted from Section I comments referenced above. In

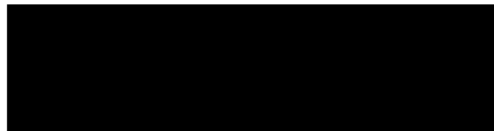
light of the PERB's action, the Board considered your request to remove the contested Fitrep based on your contentions above.

The Board substantially concurred with the AO and the PERB decision and determined that sufficient relief was granted with the redaction of the disputed comments. In this regard, the Board determined that with the absence the redacted language, the Fitrep is valid as written. In making this finding, the Board determined that you failed to provide sufficient evidence that would render the remaining portions of the contested Fitrep invalid. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting removal of the Fitrep from your official military personnel file. 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,

7/16/2022



Executive Director

Signed by:

