



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: 3172-22

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 21 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 8 April 2022 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 29 November 2021 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was provided to you on 8 April 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 remove your fitness report for the reporting period 1 July 2019 to 25 March 2020 and your 25 March 2020 6105 page 11 entry. The Board considered your contentions that the adverse nature of the fitness report and attribute marks are unwarranted and unjust due to the environment of recruiting duty and the challenges that each canvassing recruiter faces in their area of responsibility. You also contend that you injured your ankle while on caution and probation, and although it was recommended that you limit activity, the command ignored the recommendation, therefore, you had to continue to press on without any limitations to save your career. You claim that the reviewing officer (RO) comments support your contentions, other recruiters that achieved equivalent results were treated differently, you observed fellow recruiters who either quit or were unable to meet mission during the same time frame receive a good of service relief from your commanding officer (CO), and

your inability to meet mission was not due to any lack of effort and/or commitment. You also claim that the recruiting station was consistently on the verge of failing and the command needed to relieve any possible burden to meet mission leading into the pandemic.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted your contested page 11 entry counseling you regarding your relief for cause on 9 March 2020 due to unsatisfactory productivity. The Board determined that the page 11 is valid and was issued according Marine Corps Separation and Retirement Manual. The Board also noted that your fitness report was marked adverse for the receipt of derogatory material and for substandard performance. Your reporting senior (RS) noted that you received significantly more training than the average recruiter; you received documented counselings in September and December of 2019 and failed to attain any contracts in five of 13 months since being on production; your performance was below average; and you were put on 90 days of caution and 30 days of probation with no improvement in your performance. The Board determined that your relief for cause due to performance related adversity was sufficiently justified and documented by your reporting chain. The Board also noted that you acknowledge the page 11 entry and your fitness report, however you elected not to submit statements. The Board also determined that your election not to submit a statement indicates that you understood the adverse basis for the page 11 entry and fitness report. The Board further determined that your RO's acknowledgement regarding the demands of recruiting duty does not constitute a basis to remove your fitness report or page 11 entry. Moreover, the Board found no evidence that you were not treated equitably based upon your performance and you provided none. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting further corrective action.

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,

7/1/2022

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Deputy Director

Signed by: █