



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

█  
Docket No. 3173-22  
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 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, as well as the 8 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 24 November 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 8 April 2022. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 14 August 2019 to 7 January 2020 fitness report. The Board considered your contentions that the fitness report was marked below average but the Section I and Section K comments were above average. You also assert that your Reporting Senior (RS) was relieved of his duties following the issuance of the fitness report and that he reported that he marked you incorrectly due to a skewed profile.

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 there is no scale to "match" the attribute markings with Section I comments, nor is such a scale feasible or viable. The Board further noted that absent the relative value, the RS evaluation was highly complementary. Additionally, the Board considered the fact that the RS and Reviewing Officer added commentary was likely intended to provide context to your assigned attribute markings. Finally,

the Board noted that you omitted any evidence that the RS's subsequent relief and profile somehow invalidated the contested fitness report. Board thus concluded that your request is lacking sufficient evidence of error or injustice warranting removal of this fitness 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.

Sincerely,

6/29/2022

