



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

██████████  
Docket No. 3182-22  
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 8 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 18 January 2022 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, 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 19 December 2020 to 30 June 2021 Fitness Report (Fitrep) and grant you an Enlisted Remedial Selection Board (ERSB). The Board considered your contentions that the Fitrep interfered with furthering your Marine Corps career and removal would enable you to serve in the Marine Corps beyond 20 years. You further contend that you received insufficient counseling, below average relative value, and a mismatch of Reporting Senior (RS) comments and attribute markings. You assert that while serving, you stayed out of trouble and completed your duties.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the Fitrep was procedurally correct as written and filed. In this regard, the Board determined that the lack of counseling does not render a Fitrep invalid nor is it required per the PES Manual. The Board also determined that

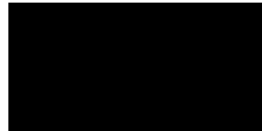
the RS adhered to PES Manual guidance when providing appropriate attribute markings based on his assessment of your performance at the time and is not required to justification for report averages. Moreover, you failed to provide any evidence that your demonstrated performance was not accurately portrayed in the contested Fitrep. While your character reference speaks well of your past performance, it does not address any specific error with the Fitrep in question. The Board thus concluded that your request is lacking in substantial 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.

With regards to your request for an ERSB, the Board noted that you did not exhaust all administrative measures per the Enlisted Promotion Manual. The Board recommended that you submit a request to the Commandant of the Marine Corps (MMPR-2), via your chain of command, if you are eligible for remedial consideration.

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

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Executive Director

A black rectangular redaction box covering the contact information of the Executive Director.