



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. 3337-22
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 5 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 modify your 1 July 2020 to 30 June 2021 Fitness Report (Fitrep) by changing Section 8h, "Status" of "M" to "F". The Board considered your contention that you choose "M" to stay closer to your kids where you could build a support system; however, you intended to change the "Status" marking prior to routing the report, but was unable to effectuate the change prior to report processing. The Board further considered your contentions that you did not know if you would be in zone for either rank since the promulgation zones would not be published until months later and you selected "F" on previous reports.

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 noted the Reviewing Officer's and

Reporting Senior's (RS) favorable endorsements; however, determined that you consciously selected the desired "Status" marking based on your family situation at report processing and you provided insufficient evidence to the contrary. The Board further considered that the RS annotated in the Fitrep Section I comments that you are best qualified to promote to First Sergeant and your previous Fitreps are marked "F." The Board determined these records would sufficiently provide future selection boards your desired preference. 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.

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,

7/17/2022

