



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

█  
Docket No. 3361-22  
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 10 March 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. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

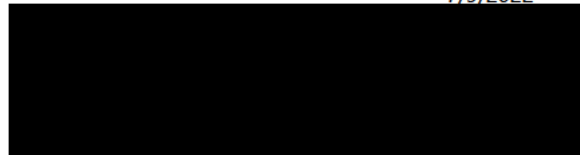
The Board carefully considered your request to modify your fitness report for the reporting period 1 May 2021 to 30 September 2021 by removing the Section K marks and comments. Specifically, you contend the Reviewing Officer's (RO's) comments are not appropriate for the audience; as written, the audience will come to the conclusion you have "written the Marine Corps off." You further contend the statement regarding inter-service transfer is not true because although you had submitted an application for transfer, you had not been notified of selection. The Board also considered your contention that the RO's comments "crushed" everything the Reporting Senior (RS) communicated in Section I, described a "mediocre Marine at best," and

“clash[ed]” with the RS comments. You further contend the RO was “holding one thing against [you]” when he drafted the comments.

The Board noted the PERB modified the contested fitness report by redacting the following comment in Section K: “[Your] knowledge and experience will serve the U.S. Army well when [you complete your] Inter-Service Transfer.” The Board, thus substantially concurred with the AO and the PERB decision that the fitness report, as modified by the PERB, is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. Specifically, the Board determined the PERB modification rectified the potentially leading and limiting comment without utilizing an excessive degree of redress by removing the entire Section K comment section. The Board substantially concurred with the AO that the Section K comments do not obviate the RS portion of the report. The Board thus concluded there is insufficient evidence of an error or injustice warranting your requested relief.

Sincerely,

7/9/2022

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Deputy Director

Signed by:

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