



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. 3363-22
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 applications on 14 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 applications, 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 29 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 2 February 2021 to 30 June 2021 Fitness Report. The Board considered your contentions that you were never counseled for not being within height and weight standards or formally assigned to the Body Composition Program (BCP), despite being found to be outside Marine Corps height and weight standards during the semi-annual height and weight evaluation. The Board also considered your assertion that the Third Officer Sighter review was completed by an officer who was not a member of the command or higher-level command; therefore, his review was not in accordance with policy.

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 the fitness report was rendered adverse because you were found not within the acceptable Marine Corps height, weight, and body fat standards; a fact you do not contest. The fact you were not assigned to the

BCP was deemed not relevant when considering the appropriateness of the fitness report's adversity since the PES Manual does not specifically require a Marine to be formally assigned to the BCP in order to render a fitness report adverse. While the Board noted you subsequently returned to required height and weight standards, they concluded this does not invalidate the initial finding that you were not in compliance with acceptable standards sometime during the reporting period. Finally, the Board determined that a Lieutenant Colonel serving as the [REDACTED] is a valid entity to serve as the Third Officer Sighter since you were a member of the [REDACTED]. Therefore, the Board determined the contested report is valid as written. Accordingly, the Board found insufficient evidence of error or injustice to warrant removal or amendment of the fitness report in question.

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

[REDACTED]

Executive Director

Signed by [REDACTED]