



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

█  
Docket No. 3411-22  
Ref: Signature Date

█  
█  
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 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 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 18 March 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 27 December 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 18 March 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 1 August 2020 to 15 January 2021 fitness report. The Board considered your contention that it portrayed an inaccurate depiction of your character and that you have not received any adverse documentation prior to this event. The Board also considered your assertion that the removal of this fitness report would increase your competitiveness for promotion and career development opportunities.

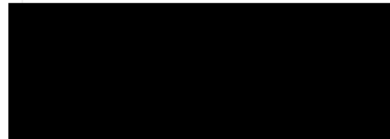
The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the underlying basis for the reports adversity was your relief for cause by Commander, Marine Forces █. In addition, the Board noted that you did not provide any evidence to dispute the underlying basis for the fitness report's adversity and concluded that the absence of any prior adverse/negative documentation during your career is immaterial to the veracity of the incident that forms the basis for the

adverse fitness report or the validity of the report. Furthermore, the Board noted that the perception that a particular fitness report may reduce your competitiveness for promotion, selection, or assignment is irrelevant in determining whether the fitness report is adverse or not since adversity is in the recorded performance, not in the perceived future competitiveness. Finally, while the Board understands your desire to move forward from this professional mistake, they ultimately concluded the contested report is valid as written and the circumstances of your case are not uniquely different from those of other Marines who received adverse fitness reports for similar professional deficiencies. The Board thus determined that insufficient evidence of error or injustice exists to warrant removal of the 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

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.