



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. 3417-22
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 21 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 9 February 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 carefully considered your request to remove your 1 January 2021 to 1 July 2021 fitness report. The Board considered your contention that six attributes were marked lower than your previous fitness report by the same Reporting Senior and Reviewing Officer. The Board also noted that the PERB granted you partial relief on 8 April 2022 for the improper use of pronouns "he" and the missing PME information in your Section I comments.

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, with the exception to specific recommendations to correct the pronoun misnomer and incorporate significant in grade PME completion. In this regard, the Board noted that your contention regarding reduced attribute markings, as compared to your preceding fitness report has some merit but does not necessarily invalidate the contested fitness report since there is no implied requirement within the PES Manual that constrains a RS to mirror or replicate

attribute marks nor comments from a previous reporting period. In addition, the Board noted that your request did not include any endorsement from the reporting officials and the RS verified that his markings were intentional. Finally, the Board noted that a report is not considered unjust solely because the relative value or comparative assessment marks are rated lower than other reports. The Board thus concluded that your request is lacking sufficient evidence of error or injustice warranting removal of the fitness report. 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,

7/4/2022

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.