



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

██████████  
Docket No. 3442-22  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. 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 18 March 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 28 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 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 January 2017 to 1 June 2017 fitness report. The Board considered your contention that it was not written in accordance with the PES Manual, in particular that your fitness report markings from both the RS and RO were lower than your previous fitness report. The Board further considered your assertion that your contested report has put you at an unjust disadvantage on promotion and selection boards.

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 that the PES Manual states that comparative assessment mark "should" be consistent with the RO profile, however, the PES Manual does not define what "constant" performance consists of, leaving it at the discretion of

the RO. Further, the PES Manual guidance does not restrain an RO from reducing (or increasing) a Comparative Assessment on subsequent evaluations of the same Marine. Similarly, there is no PES Manual guidance that requires a Reporting Senior (RS) to mirror attributes marks from a previous reporting period. Most importantly, the Board noted that in this particular reporting period you were assigned to a different duty assignment than from the previous reporting period. As a result, the Board determined the RS and RO assessments could reasonably vary from the previous reporting period. Finally, regarding your assertion that this report put you at a disadvantage for promotion and selection boards is conjecture that the Board is simply unable to validate. 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

Executive Director

Signed by: