



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: 3443-22

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 12 July 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 March 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was provided to you on 8 April 2022, and you were given 30 days in which to submit a response to the AO. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 January 2020 to 27 July 2020. The Board considered your contention that the reporting senior (RS) was assigned after your change of assignment to Engineer Operations Company. You also contend that you should have received a 'change of duty' or 'change of reporting senior' fitness report.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as modified. In this regard, the Board noted that the PERB approved a correction to your record by changing the RS portion of the fitness report to be not observed. The Board determined that your reporting chain was in error by omitting the required reporting occasion upon your reassignment. The Board also determined that the PERB

corrections to your record sufficiently addressed the contested error and concurred with the PERB that the reviewing officer portion of the fitness report is valid. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting further corrective action. Therefore, in the absence of sufficient new evidence for reconsideration, the decision of the Board is final.

Sincerely,

7/20/2022

