



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

■
Docket No. 3578-22
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 20 October 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 28 March 2018 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 28 March 2018 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-13). The PERB decision and the AO were previously provided to you as part of your initial application to the Board.

The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 14 February 2003 to 24 March 2003. Although you assert you provided new evidence, the Board determined that after a thorough review of your application, there is no new documentary evidence to consider, other than additional contentions not previously considered by the Board.

With regards to your argument of a conflict of interest with one of the previous members of the Board panel, the Board determined your argument was unsupported by the evidence. Specifically, you did not provide sufficient evidence of how a previous Board member was conflicted in their decision to deny your requested relief. Additionally, since the previous Board panel decision was unanimous, the Board determined that even assuming *arguendo* there was a

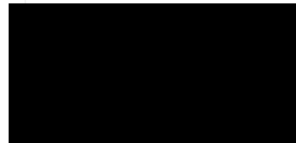
conflict of interest, the Board majority vote was to deny your petition, which would have resulted in the same outcome. Therefore, the Board was not persuaded by your argument.

Next, the Board again concurred with the PERB decision and AO, and affirmed the prior Board decision, that the Fitrep was procedurally correct as written and filed in accordance with applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board determined that your evidence was insufficient to support your contentions that the Fitrep was based on incorrect information and a personality conflict, or that the Fitrep is not an objective evaluation of your performance and conduct during the reporting period. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the Fitrep from your official military personnel file. 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,

11/8/2022

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.