



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

█
Docket No. 3759-22
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 21 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 9 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 13 December 2021 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to remove the fitness report covering the reporting period 14 December 2019 to 31 July 2020. You contend the Reviewing Officer (RO) erred when his markings on the comparative assessment reduced your standings on his profile. You further contend your increased responsibility due to broader workload and number of individuals under your charge led to a continued and overall positive performance within your branch that contributed to the successful mission during your tenure. Additionally, you contend all your fitness reports reviewed by this RO reflect his recommendations for retention and promotion. The Board also considered your rebuttal to the PERB decision dated 1 June 2022. Specifically, in your rebuttal, you contend the contested report had a different Reporting Senior (RS) that had never written on a Warrant Officer and therefore did not have a profile so his markings greatly reduced your standing. You contend this was a timing issue that was out of your control that affected you because the RO based his input on the RS's markings. Additionally, you contend the RO's comparative assessment did not consider the Navy Commendation Award that was routed through his desk. Lastly, you contend the RO was "not willing to write a letter" in support of your request.

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 PES Manual guidance. In this regard, the Board noted the circumstances relative to your purported workload increase, even if valid, did not necessarily infer any corollary gradation metric. The Board also noted your evidence is limited to your personal statement and omits any evidence that your performance and conduct warranted a higher comparative assessment than received. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested fitness report or your request for consideration by a remedial promotion board.

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,

8/5/2022

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

Deputy Director

A black rectangular redaction box covering the contact information of the Deputy Director.