



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. 3867-22
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 23 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 9 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 25 October 2021 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 9 May 2022. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

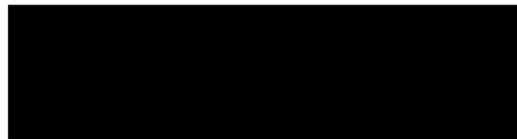
The Board carefully considered your request to remove the fitness report for the reporting period 15 June 2019 to 31 May 2020, but if removal is untenable, modify the Reporting Senior (RS) and Reviewing Officer (RO) observations to reflect not-observed. You contend you were completely surprised when you received the fitness report because throughout the reporting period, you only received feedback stating you were doing an excellent job. The Board also considered your contentions you did not receive initial counseling from the RS or requested counseling throughout the reporting period. You further contend the RO's marking does not match his Section K comments and that he explained that "only Captains in key billets like COs or XO's would be placed higher on his profile due to the increased responsibilities associated with those

billets” which is a marking philosophy that is biased against restricted officers. Additionally, you contend the RO refused to write a support letter for you explaining his approach to managing his profile.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted it is difficult to substantiate a purported total absence of counsel, in any manner or form, but also noted that your petition does not even suggest how the purported lack of counseling interfered with or precluded apprehension of the assigned billet description. Further, the Board noted the RO’s marking philosophy does not invalidate the report. Lastly, the Board noted your petition lacks evidence, beyond your statement, that your performance and conduct warranted higher grades than you received on the challenged fitness report. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested relief.

Sincerely,

7/9/2022

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Deputy Director

Signed by: 