



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

[REDACTED]
Docket No: 3917-22
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report for the reporting period 5 Jun 21 to 31 Oct 21
(3) Advisory Opinion by MMRP-30, 1 Feb 22
(4) MMRP-13/PERB Decision, 9 May 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing her fitness report at enclosure (2).

2. The Board, reviewed Petitioner's allegations of error and injustice on 28 June 2022, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (2), a fitness report for the reporting period 5 June 2021 to 31 October 2021. Petitioner contends that the fitness report was not written in accordance with reference (b) due to unresolved conflict and lack of professional objectivity between her and her Reporting Senior (RS). She further contends that the reporting relationship between her and the RS was terminated by the Reviewing Officer (RO) due to the conflict.

c. The Advisory Opinion (AO) furnished by the Manpower Management Division Records & Performance Branch (MMRP-30) recommended Petitioner's request be denied. The AO noted, in part, that Petitioner's contention that the reporting relationship between her and the RS was terminated by the RO lacks any validation beyond her statement. The AO further noted that the

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purported decision to modify the established reporting chain was not authorized by the fitness report's RO, the Executive Officer, and that the Commanding Officer was the only entity that could have modified the reporting chain. The AO was considered by the Performance Evaluation Review Board (PERB), and the PERB concurred with the AO and directed that the contested report be retained as filed. See enclosures (3) and (4).

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded that Petitioner's request warrants relief. In this regard, the Board concurred with the AO that the RO did not have the authority to terminate the reporting chain, the reporting chain nevertheless was terminated, which lends credence to Petitioner's contention that there was unresolved conflict with her RS. The Board also concurred with the Petitioner that the RS and RO marks and comments do not reflect the Section C accomplishments of the contested report. This Board determined that the fitness report is likely not a fair portrayal of Petitioner's performance and conduct during the reporting period, and concluded that the fitness report shall be removed from Petitioner's official military personnel file (OMPF).

RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), her fitness report for the reporting period 5 June 2021 to 31 October 2021.

That no further changes be made to Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. The foregoing action of the Board is submitted for your review and action.

7/18/2022

[REDACTED]
Executive Director

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

Reviewed and Approved Board Recommendation (Grant Relief)

9/12/2022

[REDACTED]

assistant General Counsel (M&RA)

Signed by: [REDACTED]