



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

█
Docket No. 3919-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 August 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 15 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 16 November 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 was mailed to you on 15 April 2022 and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your 1 June 2018 to 13 September 2018 Fitness Report. The Board considered your contention that the fitness report was submitted to MMRP 236 days after the submission deadline thereby making the Reporting Senior (RS) and Reviewing Officer (RO) markings inaccurate for other Marines of your rank during this gap and possibly clouding your RS and RO's memory and perceptions.

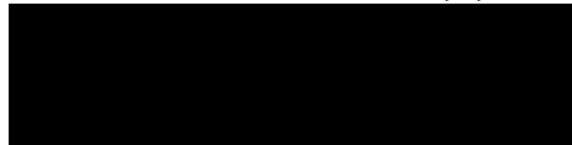
The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. In this regard, the Board noted that although late submission is unacceptable per chapter 8, paragraph 12 of MCO 1610.7A, it does not render a fitness report invalid.

Furthermore, the Board noted that beyond the late submission of the contested report, your request lacks any evidence, other than your statement, to support a finding that the report contains any errors or results in an injustice. Specifically, the Board found no evidence that your performance and conduct warranted higher marks than you were assigned in the report. 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,

8/25/2022

A large black rectangular redaction box covering the signature area.

DEPUTY DIRECTOR

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.