



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. 3941-22
Ref: Signature Date

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Dear █:

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 application on its merits. 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) (the PERB Decision), and the 5 January 2022 Advisory Opinion provided to PERB by the Manpower Management Division Records and Performance Branch (MMRP-30)(the AO). The PERB Decision and the AO were provided to you on 9 May 2022, and you were given 30 days in which to submit a response.

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

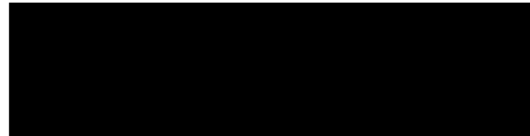
The Board carefully considered your request to modify the fitness report covering the period 1 December 2010 to 7 January 2011 by changing the report to not-observed. You argue that the report is erroneous because the reviewing officials did not have significant observation of you during the reporting period and that the reporting period only covered 21 work days. You contend that the reporting senior (RS) did not provide justification as to why the report should

have been observed in violation of the Performance Evaluation System (PES) Manual (Marine Corps Order (MCO) 1610.7A).

The Board noted that MCO 1610.7F was in effect at the time of report processing which did not define what constituted meaningful personal contact and did not require the RS to state a justification for writing an observed report that covered less than 90 days. The Board also noted that your annual leave nor weekends do not constitute a period of non-availability. The Board concurred with the AO that the updated PES Manual guidance regarding minimum observation timelines is not retroactively applied to older fitness reports. Consequently, the Board determined that the fitness report is administratively correct and shall remain in your official military personnel file as written.

Sincerely,

8/11/2022

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Deputy Director

Signed by: 