



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

██████████
Docket No. 4111-22
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 12 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 13 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 3 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 13 May 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your Failure of Selection (FOS). You originally filed a request to remove or modify a Transfer (TR) Fitness Report for the reporting period 6 June 2019 to 30 April 2020. However, after PERB corrective action on the fitness report, on 6 July 2022, you notified the Board that you wished to change your requested relief to remove your Fiscal Year (FY) 2022 Chief Warrant Officer 4 (CWO4) Promotion Selection Board FOS. Accordingly, the Board only considered your request to remove the specified FOS. You contend that the FY 2022 USMC Chief Warrant Officer 4 Promotion Selection Board made an unjust assessment of your record because the corrected fitness report was not available for review by the selection board when you failed selection.

In reviewing your record, the Board noted that the cumulative relative value change of the fitness report in question changed from 86.36 to 90.48 after the PERB directed modification. The Board

concluded this did not result in a significant change to your record. In making this finding, the Board noted the cumulative relative value of the report remained in the middle third even the PERB modification. Furthermore, the Board determined there is no way to know whether the contested fitness report resulted in your failure of selection. The Board concluded that your assertion amounts to conjecture that cannot be validated by the Board based on the evidence presented. The Board thus concluded that there is insufficient evidence of error or injustice warranting the removal of the FY 2022 Failure of Selection from your record. 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,

7/21/2022



Executive Director

Signed by:

