



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. 4206-22
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 30 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 16 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 18 April 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to remove the fitness report covering the reporting period 7 August 2020 to 31 May 2021. You contend the Reporting Senior (RS) violated the Performance Evaluation System (PES) Manual by failing to provide this "welcome above" report to you prior to its submission to the Reviewing Officer (RO) and under-inflating the report due to a change in his marking philosophy. The Board also considered the letter submitted by the RS.

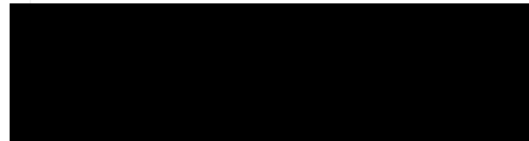
The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the fact you did not preview the fitness report prior to submission to the RO does not invalidate the report. The Board also noted the argument that a profile was not established at report processing is immaterial since attributes are graded on actual performance and not any pre-conceived notion of report average or ultimate profile placement into perpetuity. Further, the Board noted you did not provide any new evidence that was not already known at report processing, with the exception of relative value. The Board also substantially concurred with the AO that there is no provision in the PES Manual for an RS to modify and/or remove

previous reports to somehow adjust for subsequent reports on Marines of the same grade. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting the removal of 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,

7/22/2022



Executive Director

