



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

██████████
Docket No. 4216-22
Ref: Signature Date

██████████
██████████
██████████

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.

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. The Board also considered the 16 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 25 March 2022 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO). The PERB Decision and the AO were provided to you on 16 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 June 2018 to 24 June 2019 by changing the reviewing officer (RO) Comparative Assessment marking from '5' to '6'. In the alternative, you request to mark the Comparative Assessment as Not-Observed. You further request to change the reporting senior (RS) marks under "Initiative," "Developing Subordinates," "Setting the Example," "PME," and "Decision Making Ability" from 'D' to 'E'. In the alternative, you ask to mark these categories as 'H,' Not-Observed. If the PERB is unable to make those changes to the specific categories, you requested to change all RS attribute markings for the report to Not-Observed and retain all Section I and Section K

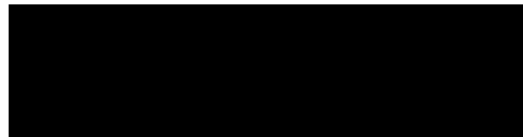
comments. You contend that the RO comparative assessment marking does not match the Section K comments and that the RS markings are inconsistent with Section I comments. You further attest for modification due to inaccuracies in the report.

The Board noted that the reporting officials did not provide any endorsement for these changes. The Board further noted that you stated that you emailed the RO regarding the comparative assessment marking and the RO validated the marking that he gave you for the reporting period. The Board concurred with the AO that an attribute can only be marked as Not-Observed when there is evidence of insufficient observation by the reporting officials, and that if a fitness report is marked as Not-Observed then the comments in Section I and Section K are also removed from the report. The Board determined the reporting officials complied with Performance Evaluation System Manual guidance and did not find any material errors or injustice with regards to the report. Consequently, the Board concluded that the contested report is administratively correct and shall remain in your official military personnel file as written.

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,

8/11/2022

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Deputy Director

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