

DEPARTMENT OF THE NAVY

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

> Docket No. 4468-22 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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 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 11 April 2022 Commandant of the Marine Corps (PERB) letter directing modification of your contested fitness report for the reporting period 6 June 2019 to 3 February 2020.

The Board noted that on 11 January 2022, you petitioned the PERB, and requested "statements be removed" from the contested fitness report. You contended that the statement "[you are] within BCP standards due to passing taping standards" was "misleading and sends mixed messages to anyone reading it." On 11 April 2022, the PERB directed the statement be modified to read "[you are] within BCP standards."

The Board carefully considered your request to remove the contested fitness report. You contend the Reporting Senior's (RS's) comments and marks display a negative bias. Further you contend Section I comments are inconsistent and could have a detrimental effect on your competitiveness for promotion.

The Board, however, substantially concurred with the modification already made to your fitness report, as directed by the PERB decision, and concluded the modified report is valid as written and filed, in accordance with the applicable PES Manual guidance. The Board further noted a directed comment in Section I was required due to the entry of "20" in Section A, Item 8f, Body

Fat of the report. The Board determined the modifications to the directed comment resolved the purported negative bias and alleged inconsistency and concluded there was insufficient evidence of an error or injustice to warrant removal of the fitness report, as modified by the PERB.

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.



