



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

Docket No: 4941-22
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 8 September 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 29 June 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 29 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 29 June 2022. Although you were given 30 days in which to submit a response, you chose not to do so.

The Board carefully considered your request to remove the fitness report covering the period 16 March 2019 to 30 June 2019. You contend that the reporting senior (RS) did not observe your performance as you were geographically not co-located with your RS during the reporting period. You further contend that the RS did not accurately comment on your performance in the contested fitness report, your previous and subsequent fitness reports gave a more accurate description of your performance, and the RS markings and comments resulted in your non-selection to E-8.

The Board noted that the preceding fitness report was processed by a different reporting chain and was not persuasive evidence in the consideration of the challenged fitness report. Further, the Board also noted that the RS comments in the fitness report in question are favorable. The Board concurred with the AO that the Performance Evaluation System Manual does not require

the Marine Reported On (MRO) and the reporting officials to be co-located in order for observation to occur. Finally, the Board found that the petition lacked sufficient evidence to show that your performance warranted a higher marking. Consequently, the Board determined that the contested report contains no material error or injustice to warrant its removal 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,

		9/20/2022