



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

██████████  
Docket No. 4955-22  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 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 29 June 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 15 March 2022 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 15 March 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your 30 May 2017 to 28 June 2017 Fitness Report (FITREP). The Board considered your contention that in accordance with MARADMIN 066/21 the postpartum period was extended from six to twelve months and that the contested FITREP was within the 12-month window.

Your child was born on 1 July 2016 and you failed the PFT on 20 June 2017. Per MCO 6100.13 w/change 1, the order in effect at the time, a member was expected to return to full duty within six (6) months after the birth of a child. The period between the birth of your child and the date of the failed PFT constituted 11 months and 20 days. As a result, when you failed the pull-up

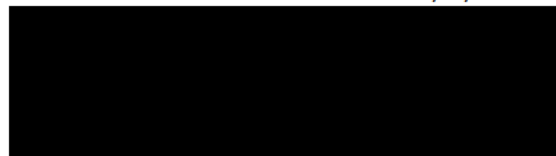
portion of the PFT, you were considered to be in a full duty status. This PFT failure was subsequently documented in the adverse FITREP in question.

The Board substantially concurred with the AO and the PERB Decision that the FITREP is valid, as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. In this regard, the Board noted that MARADMIN 066/21 was signed on 8 February 2021 and not applicable to your case since there is no evidence the updated policy guidance was ordered to be retroactively applied. Further, the Board found no injustice with the circumstances of your case since you failed the PFT approximately six months after being restored to full duty status. As a result, the Board determined insufficient evidence of error or injustice exists to remove the FITREP 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,

8/25/2022

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DEPUTY DIRECTOR

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