



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: 4963-22
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 16 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 4 March 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13). The AO was provided to you on 29 June 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 fitness report for the reporting period 6 June 2019 to 1 July 2020. The Board considered your contentions that after asking for months, you did not receive an introductory counseling on your responsibilities, and the fitness report relative value and grades do not coincide with the end of tour award recommendation. You also contend that your reporting senior (RS) was trying to fix his report average and withheld the write-up of the award, thus preventing it from being submitted in time for the fiscal year (FY) 2021 E-8 promotion board. You claim that the presence of the award in your record during the promotion board would have raised questions about the low relative value of the contested fitness report and the fitness report was the determining factor in your failure to be selected for promotion during the FY 2021 promotion board.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board found no evidence that your RS acted with malice or that the presence of your award during the FY 2021 E-8 promotion board would have resulted in your selection for promotion and you provided none. The Board determined that the Marine Corps Performance Evaluation System Manual does not require counseling, nor does it provide a metric to compare personal awards with the relative value or attribute marks of a fitness report. The Board also determined that a low relative value and/or low comparative assessment mark does not constitute grounds to remove your fitness report. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report 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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Executive Director

Signed by: █