



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: 4966-22
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 17 February 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 28 June 2019 to 31 March 2020. You contend that the report is unjust because you had limited interaction with the reporting officials including no initial counseling, the reviewing officer (RO) comparative assessment did not match the RS assessment, and you were unjustly marked at the bottom of the RO profile.

The Board, however, substantially concurred with the AO that the report is valid as written. In making this finding, the Board agreed with the AO assessment that relief is not generally granted on the basis of alleged lack of counseling since counsel can take many forms. Further, the Board noted there was insufficient evidence regarding your contention of a lack of interaction with the reporting officials. The Board further agreed with the AO that the Performance Evaluation System (PES) Manual does not contain a scale to match comparative assessment markings with

report comments. Additionally, the Board found that the petition lacked sufficient evidence to show that your performance actually warranted a higher marking. Consequently, the Board determined that there is insufficient evidence of error or injustice to warrant 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,

9/19/2022

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Executive Director

Signed by: 