



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

██████████
Docket No. 5128-22
Ref: Signature Date

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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 2 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 8 April 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 January 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 were provided to you on 8 April 2022. Although you were afforded an opportunity to submit a rebuttal, you did not.

The Board carefully considered your request to remove your 1 July 2019 to 3 April 2020 fitness report¹ and the 17 February 2020 Page 11 counseling and associated statement. The Board considered your contention that your tuition assistance for participation in the college course was approved by your command on 25 November 2019 and therefore they were aware of your college obligations.

The Board substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted you received an adverse report, in part, for not attending a mandatory professional military education (PME) that was planned more than three weeks in advance of the start of your online exam for your course. The Board also noted you were again reminded of the mandatory PME requirement during the command's pre-deployment brief. The Board further noted in your 19 February 2020 rebuttal to the Page 11 counseling, you

¹ You previously applied to this Board to remove the same fitness report but were denied on 21 June 2022.

took full responsibility for failure to properly inform your chain of command of your college course commitments. These factors led the Board to conclude the basis for issuing the Page 11 was not erroneous or unjust and the counseling appropriately supports the adversity of the fitness report. As a result, the Board concluded there is insufficient evidence of error or injustice warranting the removal of your fitness report or the associated Page 11 counseling.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

8/25/2022

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Deputy Director

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.