



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

██████████
Docket No. 5402-22
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 6 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, as well as the 16 July 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 February 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision was provided to you on 16 July 2022. Although you were provided an opportunity to comment on the AO, you chose not to do so.

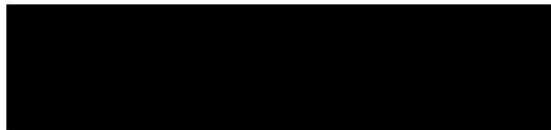
The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 30 April 2020 to 8 October 2020. The Board considered your contention that in accordance with the USMC Body Composition Program (BCP) policy, Marine Corps Order (MCO) 6110.3A, paragraph 7.d.1.c, the adverse nature of the Fitrep is erroneous. The Board further considered your contention that you were subject to height and weight testing prior to graduation from ██████████ Marine Artillery Officer Basic Course and execution of Permanent Change of Station orders; however, at no time were you assigned to BCP or the Military Appearance Program (MAP). Therefore, you argue that assignment of an adverse Fitrep on that basis is in direct violation of the MCO. You further claim that having not been formally or informally assigned to the BCP or MAP, you were not given an opportunity during or after the 6-month BCP remediation or the 60 day period for MAP re-evaluation, in direct violation of MCO 6110.3A.

The Board, however, substantially concurred with the AO and PERB decision that the Fitrep was administratively and procedurally correct as written and filed, in accordance with applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that the adverse nature of your Fitrep was based on your failure to maintain height and weight standards and, there is no PES Manual requirement that Marines need to be assigned to BCP or MAP prior to receiving an adverse Fitrep. Despite your contention that NAVMC 10274 is not in your record and that other violations of MCO 6110.3A occurred as part of documenting your failure to maintain height/weight/body fat standards, the Board noted that your measured height, weight, and body fat percentage are accurately displayed in the Fitrep and the omission of any form or the failure to follow established due process procedures related to the processing of your failure, does not invalidate the adverse nature of the Fitrep. The Board further noted that upon receipt of the Fitrep, you acknowledged the contents of its adverse nature and did not submit a rebuttal at the time of processing. Finally, the Third Officer Sighter deemed the Fitrep as valid and there were no differences to adjudicate. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of 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,

10/5/2022

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Executive Director

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