



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

█
Docket No. 5410-22
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 13 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 11 May 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 16 July 2022, and you provided a response to the AO that was considered by the Board.


The Board carefully considered your request to modify your Fitness Report (Fitrep) for the reporting period 1 June 2020 to 30 November 2020 by changing the following two (2) attribute markings from 'E' to 'F': "Leading Subordinates" and "Decision-Making Ability." The Board considered your contention that the Reporting Senior (RS) inadvertently did not track his profile and markings throughout his 30 months of observed time, not realizing that his markings were an administrative error, and did not accurately reflect your growth. You claim that you were unable to reach the Reviewing Officer (RO). As evidence, you furnished two favorable endorsements from your RS.

The Board, however, substantially concurred with the AO and the PERB decision that the Fitrep was administratively and procedurally correct as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual. In this regard, the Board determined that the RS adhered to PES Manual guidance when providing appropriate attribute markings

based on his timely and relevant assessment of your performance at the time. Furthermore, the RS' favorable endorsement you provided omits any new information that was unknown at report processing and does not address the proportionate decreases that would result in the value of other affected Marines Reported On. Moreover, absent any error or injustice, you failed to provide any evidence beyond the RS' concurrence, that your demonstrated performance was not accurately captured in the contested Fitrep as concurred with by the RO. Ultimately, the Board was not persuaded by your argument that RS' post-retirement endorsement suffices to support a finding that material error or injustice exists and agreed with the AO that, absent substantive evidence to support those assertions, greater credence should be granted to the original markings based on timely and relevant observation. The Board thus concluded that your request is lacking in substantial evidence of probable material error, substantive inaccuracy or injustice warranting modification to the fitness report. 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,

 Recoverable Signature

