



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. 5416-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. 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 2 February 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 29 November 2021. Although you were provided an opportunity to comment on the AO, you chose not to do so.

The Board carefully considered your request to modify your Fitness Report (Fitrep) for the reporting period 1 August 2010 to 1 November 2010 by changing the following two attribute markings from 'B' to 'C': "Communication Skill" and "Evaluations." In addition, you request to change the following two attribute markings from 'B' to 'D': "Mission Accomplishment" and "Initiative." The Board considered your contention that the above-mentioned markings were incorrect. As evidence, you furnished a favorable endorsement from your Reporting Senior (RS).

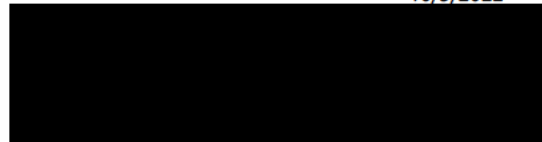
The Board, however, substantially concurred with the AO and the PERB decision that the Fitrep was administratively and procedurally correct as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board

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. Moreover, 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 Reviewing Officer. Ultimately, the Board agreed with the AO that, absent substantive evidence to support RS' 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 of 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,

10/5/2022



Executive Director

Signed by:

