



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: 5417-22
Ref: Signature Date

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Dear █

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 30 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 16 July 2022 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 1 April 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-13), and your response to the AO.

The Board carefully considered your request to remove your fitness report for the reporting period 1 June 2018 to 31 May 2019. The Board considered your contentions that the reporting senior (RS) failed to provide counsel regarding his profile or reporting methodology, he provided no tangible or objective measures of performance for the billet, and did not provide any formal or written counselings, and processed the fitness report late. You also contend that your unit was one of two assessed as Tier II during the Field Supply Maintenance Analysis Office (FSMAO) inspection, which placed you in the top 25% compared to your peers. Based on those result, you argue, in the worst case, you should have been placed in the RS's middle third. You also assert that based upon the FSMAO inspection results your performance during the reporting period was objectively superior to your peers. As evidence, you furnished FSMAO inspection results and a statement of your accomplishments.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted that your RS observed your performance and conduct during the previous reporting period that covered 12 months and determined that your RS's 24 months of observation was indicative of a well-established RS and Marine Report On relationship. The Board also noted that the results of the FSMAO inspection and your contributions were duly noted in Section I of your fitness report. The Board further noted that the Marine Corps Performance Evaluation System (PES) Manual provides reporting official's discretionary authority to evaluate members based upon other members of the same grade that they have evaluated. The Board determined that inspection results were not the sole basis for consideration when evaluating performance and conduct. Additionally, the Board also determined that the purported lack of counseling and late submission does not invalidate the fitness report. Finally, the Board concurred with the AO that a low relative value and/or comparative assessment mark is not a basis to remove your fitness report. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal 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,

9/11/2022

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Executive Director

Signed by: █