



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

██████████  
Docket No. 5438-22  
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 28 March 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. 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 June 2018 to 31 May 2019 by removing the Reviewing Officer's (RO) observation or, in the alternative, modify the RO portion to "insufficient." The Board considered your contentions that RO ranking you in the "5" block is contradictory to the comments provided in Section K, the mark equates to a "welcome aboard" Fitrep and was not indicative of your performance, it is outside the spirit and intent of Performance Evaluation System (PES) Manual guidance, and that the marking has a net negative effect and outsized influence on your master brief sheet (MBS). You also claim that the Fitrep was submitted to MMRP-30 by the RO the same day that he received it for action by the Reporting Senior (RS) and, given the size of the RO's profile and the weight the Fitrep has on you MBS, the time spent on the Fitrep by the RO is not proportionate to the effect. As a point of reference, you also claim that the average time between RS routing and the RO finishing your other Fitrep's is 11 days. As evidence, you

furnished your current MBS, MBS changes from the challenged Fitrep, RS to RO routing and completion average timeline, and pre and post-Fitreps.

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 PES Manual guidance. In this regard, the Board determined that the RO adhered to PES Manual guidance when providing the appropriate comparative assessment marking based on his assessment of your professional abilities and potential in comparison to other Marines of the same grade at report processing. The Board noted that PES Manual does not require an RO to process a Fitrep within a minimum given timeframe and determined that your contention the RO's time spent on your Fitrep is not proportionate to the effect, given the size of the RO's profile, lacks merit. Furthermore, despite your contention that the comparative assessment mark equates to a "welcome aboard" Fitrep, you provided no evidence to support this assertion and the Board determined this contention lacks merit as well. Moreover, you failed to provide any evidence beyond your own statement that there is a material error or injustice with the RO's portion of the Fitrep and that you warranted a higher comparative assessment marking. 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. Based on this finding, the Board found no basis to remove your failures of selection. 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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