



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

██████████
Docket No. 5442-22
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 18 April 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 5 January 2021 to 31 May 2021. The Board considered your contentions that the Fitrep does not accurately reflect your proficiency, hard work, and tireless support, despite interpersonal relationship challenges and a highly operational training tempo, and the Fitrep highlights performance that is derived from a work environment that accepts and promotes public berating as well as emotional and psychological abuse. You claim you only received a formal counseling upon your relief of duties; however, prior to the counseling, you received an

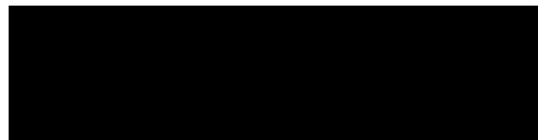
initial counseling and performance evaluation, both of which assisted you in your development, but never insinuated pending relief.

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. First, the Board acknowledged your formal counseling and rebuttal; however, determined that your Commanding Officer was authorized to issue you one based on his assessment of your performance at that time, it was not referenced in the challenged Fitrep, and its issuance had no bearing on the validity of the challenged Fitrep. Second, the Board noted that the adverse nature of your Fitrep was based on your poor performance while executing your duties as the Battalion Logistics Officer and determined that the Reporting Senior adhered to PES Manual guidance in issuing you the adverse Fitrep. The Board further noted that upon receipt of the Fitrep, you acknowledged the contents of its adverse nature and submitted a rebuttal statement. Furthermore, the Third Officer Sighter adjudicated the factual differences and found the Fitrep to be factually correct and administrative accurate. Despite your contention that your performance is not accurately reflected in the Fitrep, the Board noted that you failed to provide any evidence beyond your subjective statement to support your contentions or that the report is in error or unjust. The Board thus concluded that there is no probable material error, substantive inaccuracy or injustice warranting removal of the Fitrep from your official military personnel file.

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,

10/6/2022

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Executive Director

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