



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

██████████  
Docket No. 5826-22  
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 20 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 1 August 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 3 June 2022 advisory opinion (AO) furnished by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 1 August 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

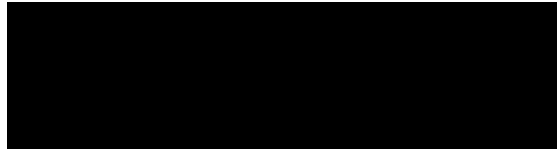
The Board carefully considered your request to remove your fitness report for the reporting period 25 April 2020 to 31 August 2020. The Board considered your contention that the fitness report dates overlap with a not observed fitness report for the reporting period 24 April 2020 to 31 May 2020. You also contend that the billet accomplishments and comments only reflect events from 1 June 2020; the reporting period includes the early days of the COVID-19 pandemic which reduced training opportunities and personal interactions to the extent that the fitness report was unjustly skewed; and the reporting senior (RS) did not counsel you prior to submission of the report. You claim that your contentions, combined with the RS comments, short period of performance, and relative value implies a soft relief, which is incongruent with the Commandant of the Marine Corps' (CMC's) White Letter 4-20. As evidence, you furnished an email from your former RS who concurred with your request to remove the overlapping not observed fitness report.

The Board, however, substantially concurred with the PERB decision that your fitness report is procedurally correct as written and filed, according to the Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted the removal of your fore mentioned not observed fitness report and determined that your reporting officials did not commit an error by included the entire reporting period. The Board also determined that face-to-face interaction is not required for your RS to evaluate your performance and any lack of counseling does not render a fitness report invalid. The Board found no evidence that your performance was not accurately portrayed in the contested fitness report or that your reporting official issued your fitness report as a “soft relief” and you provided none. The Board thus concluded that your request lacks substantial evidence of a probable material error, substantive inaccuracy or injustice warranting corrective action.

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,

10/14/2022

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Deputy Director

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