



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

█  
Docket No: 5860-22  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 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. The Board also considered the 1 August 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 7 June 2022 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (AO). The PERB Decision and AO were provided to you on 1 August 2022. Although you were given 30 days in which to submit a response, you chose not to do so.

The Board carefully considered your request to modify language in Section I and K in order to add clarity to reporting senior (RS) comments and to correct the erroneous comparative assessment marking for the fitness report covering the period 1 June 2016 to 31 May 2017. You included with your petition a letter from the RS, stating the proposed corrected Section I comments as well as a letter from the reviewing officer (RO) with updated Section K comments and a request to move the comparative assessment from the "4" to "5" block.

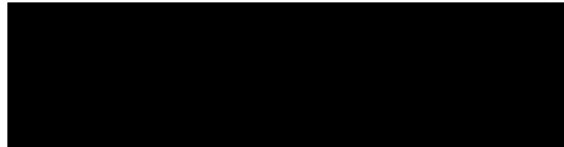
The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. The Board noted that the report's RS and RO in their endorsements did not comment on how the original comments or markings were unjust or in error; nor did the reviewing officials add any new facts that were unknown at report processing.

Further, the Board concurred with the AO that the Performance Evaluation System (PES) Manual does not contain a scale to match comparative assessment markings with Section K comments or RS attribute markings with RS comments. Consequently, the Board determined that the contested report contains no material error or injustice to warrant its removal from your record. 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,

10/20/2022

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Executive Director

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