

DEPARTMENT OF THE NAVY

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

> Docket No. 5861-22 Ref: Signature Date

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 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) (the AO). 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.

The Board carefully considered your request to add language in section I in order to add clarity regarding the relative value for the fitness report covering the period 1 June 2017 to 1 October 2017. You included with your petition a letter from the reporting senior (RS), stating the proposed additional section I comment "had my observation period been longer, this particular report would have been well-above average."

The Board noted that the report's RS in his endorsement did not comment on how the original comments were unjust or in error, nor did the RS add any new facts that were unknown at report processing. The Board concurred with the AO that the proposed additional comment is hypothetical and does not warrant inclusion. Consequently, the Board determined that the contested report contains no material error or injustice and shall remain in your official military personnel file as written.

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,	
	10/26/2022
Deputy Director	
Deputy Director	