



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

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Docket No. 5872-22
Ref: Signature Date

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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 11 May 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 change the marks for the “Developing Subordinates” and “PME” attributes from a ‘C’ to a ‘D’ and to modify section I comments for the fitness report covering the period 1 June 2019 to 31 May 2020. You further request that if modification is made to the fitness report, to remove all previous failures of selection for promotion. You argue the report should be modified as the reporting senior’s (RS) profile was skewed due to the RS’s decision to retire. You included with your petition a letter from the report’s RS endorsing the request. The RS stated that when he wrote the contested report he had expected to write many more major reports in his subsequent billet as an infantry commander; however, before retirement, he only wrote one other report thereby incorrectly placing you in the middle third of his profile.

The Board noted that you received highly favorable comments from the RS and the reviewing officer (RO) and that the RO comparative assessment was in the ‘7’ block. The Board further

noted that changing the two attribute markings would displace two other peer Majors. The Board concurred with the AO that the Performance Evaluation System (PES) Manual does not contain a scale to match RS attribute markings with RS comments and that to change attributes in order to attain a certain report average is contrary to PES Manual. 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. As such, the Board denied your request to remove all previous failures of selection for promotion.

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,

10/28/2022

