



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

█  
Docket No. 5879-22  
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.

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 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 the 1 August 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 9 May 2022 advisory opinion (AO) provided to the PERB 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 chose not to do so.

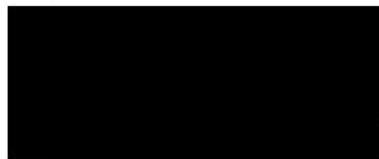
The Board carefully considered your request to modify or remove your fitness report for the reporting period 22 August 2017 to 31 October 2017 by changing it to be not observed or removing from your record. The Board considered your contention that Section I did not contain a statement that "meaningful contact was obtainable". You also contend that this was your first fitness report and you do not believe that 70 days was enough time to have an observed report or to establish meaningful personal contact. As substantiation for your argument, you point out the reporting senior (RS) Section I comment, "SNM relative value is low due to his relatively junior seniority, limited time in the squadron, and small reporting window, but has significant potential."

The Board, however, substantially concurred with the PERB decision that your fitness report is valid as written and filed, according to the Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that RSs are required to submit observed reports for all semi-annual reporting occasions covering 31 days or longer. The Board also noted that the policy in effect at report processing did not require RSs to include a comment related to meaningful contact. The Board determined that the submission of your fitness report was required and the 71 days of observation exceeded the minimum requirements for an observed semi-annual fitness report. The Board also determined that your Section I statement was clearly intended to clarify the basis for the low relative value while illuminating your future potential, as noted in the well informed Section I comments. The Board thus concluded that your request lacked sufficient evidence of a probable material error, substantive inaccuracy, or injustice warranting modification or removal of the fitness report. 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

A large black rectangular redaction box covering the signature area.

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.