



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. 6128-22
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 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.

Regarding your request for a personal appearance, the Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify your fitness report for the reporting period 1 June 2014 to 31 May 2015 by changing your comparative assessment mark from block '5' to block '6'. The Board considered your new evidence, specifically, the correspondence provided by the █ confirming that the █ billet stills exists approximately eight years after you were selected to serve as the first █, and correspondence from your former reviewing officer (RO). Although you did not provide any new contentions, the Board considered your contentions in your previous application (Docket No. 20220005747).

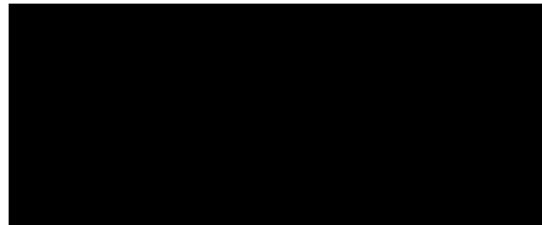
The Board, however, substantially concurred with the previous PERB decision and Board finding that your fitness report is procedurally correct as written and filed, according to the

Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted the correspondence from your former RO and the [REDACTED] however, the Board found the correspondence unconvincing and untimely and insufficient to warrant a modification to your fitness report. The Board determined that the PES Manual does not provide a mechanism for reporting officials to reset their profiles. Moreover, the perceived competitiveness of your fitness report's comparative assessment is not a basis to modify your fitness report. Accordingly, the Board concluded that there is no 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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