



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

██████████  
Docket No. 6372-22  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 29 November 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 23 August 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 25 July 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), and your 20 October 2022 response to the AO.

The Board carefully considered your request to remove your fitness report for the reporting period 1 October 2019 to 1 June 2020. The Board considered your contentions that the fitness report was written with implicit bias by your Reporting Senior (RS) because Marines with the 6672 Military Occupational Specialty received higher evaluations than that of their non-aviation related peers. Additionally, the Board considered your contention of unjustifiable markings and ethical violations that detracted from your overall personal and professional character, and that your performance as the interim Senior Enlisted Leader was undervalued. Further, you contend your RS, Equal Opportunity Representative, and respective leadership demonstrated micro-aggressive and covert behavior which contributed to a toxic workplace environment within the Squadron, and that Command Climate Surveys from 2019 and 2020, which are “missing” are corollary of the toxic organizational climate. The Board also considered your claims of discrimination throughout the Squadron and that it has been a barrier to your promotability and career advancement in service. Lastly, the Board considered your claim that you were diagnosed with severe depression in 2019 due to the experiences during the reporting period.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. Additionally, your contentions of implicit bias towards non-aviation supply Marines by your reporting officials, unjustifiable markings and ethical violations that detracted from your overall personal and professional character, and your claim that you were undervalued while serving as the interim Senior Enlisted Leader lacks any validation by supporting evidence beyond your personal statement.

In regards to your contention that the missing climate surveys for 2019 and 2020 are corollary of a toxic organizational climate, the Board concurred with the AO that even if the surveys had been conducted they would not necessarily invalidate the contested fitness report. Moreover, the Board considered the 2021 Command Climate Survey you provided however, noted it was conducted almost a year subsequent to the contested report.

With regard to your claim that discrimination throughout the Squadron was a barrier to your ability to promote and retention in service, the Board determined that whether or not the contested fitness report hindered your career advancement is conjecture that the Board simply could not validate. The Board thus concluded that this claim is lacking in sufficient evidence of error or injustice warranting corrective action.

Regarding your claim that you were diagnosed with severe depression in 2019, you provided no medical documentation in support of this claim or how it would invalidate the contested fitness report.

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,

1/4/2023

A large black rectangular redaction box covering the signature of the Deputy Director.

Deputy Director

Signed by: 