



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

█
Docket No: 6378-22
Ref: Signature Date



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 4 October 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 26 May 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). The AO was 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 your fitness report for the reporting period 2 October 2018 to 31 May 2019 by changing the reviewing officer (RO) portion to 'Insufficient' observation. The Board considered your contention that during the initial meeting with your RO, he was unprofessional and appeared annoyed by your presence, he repeatedly called you were a weirdo for having a shaved head, standing at parade rest, and addressing him as "sir" too frequently. You also contend that the RO did not attempt to observe your capabilities and performance despite many opportunities, and the grading was not from personally observed or documented performance, but subjective criteria unrelated to job performance or responsibility. You claim that the RO did not express his expectations regarding conduct or performance, but focused exclusively on standard welcome aboard banter. You also

claim that your reporting senior (RS) made a similar appeal, along with multiple other officers, regarding performance evaluations from the RO.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted the email regarding your concerns that the RO's assessments were largely reflective of the number of qualifications held. The Board also noted that in response, your RO commented that the criteria he used were not simply qualifications but it was important to him to denote who was fully qualified, it was also important for him to denote section heads and corridors, and you were not either. The Board found your statement and evidence insufficient to invalidate your RO's evaluation of your performance. The Board determined that each case is considered on its merit, thus the dissatisfaction of your RS and other officers with your RO's evaluation of their performance was determined not to be probative evidence in your case. As it pertains to your case, the Board found your RO's response credible and determined that his evaluation of your performance is valid. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a modification to 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,

10/16/2022

