



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. 6966-22
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 18 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 2 September 2022 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 29 June 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 2 September 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your fitness report for the reporting period 6 June 2019 to 10 July 2020. You also request to remove the 1 July 2020 Administrative Remarks 6105 (page 11) entry. The Board considered your contention that the fitness report included positive comments related to your performance during the reporting period and during an inspection. Specifically, "[. . .] is a technically adept Marine in the Maintenance Department. As the Maintenance Data Chief, MRO delivered laudable results in both the Logs and Records and Data Analysis programs during the 2019 █ ALMAT inspection." You also contend that you received a page 11 entry dated 1 July 2020 for the very same inspection. You argue that being both praised and admonished for the same thing is a contradiction as well as an injustice. You also argue that the page 11 entry was the product of rushed judgment and hasty decision

making, as substantiated by the conflicting fitness report, which serves as evidence to degrade the legitimacy of the page 11 entry.

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 that your fitness report does not include any comments related to your page 11 entry. The Board determined that receipt of a page 11 entry does not automatically render a fitness report adverse. The Board found no correlation or contradiction between your substandard performance noted in your 1 July 2020 page 11 entry and the evaluation of your performance during the 2019 inspection noted in your fitness report. The Board also determined that your contested fitness report does not degrade the legitimacy of your page 11 entry.

Concerning your page 11 entry, the Board noted that your request to remove your page 11 entry was adjudicated by the Board on 2 August 2022 (Docket No. 4726-22), and your request was denied. 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,

10/28/2022

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