



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

[REDACTED]  
Docket No: 6983-22  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1610.7A

Encl: (1) DD Form 149 w/enclosures  
(2) Fitness Report for the reporting period 2 Apr 21 to 13 Sep 21  
(3) Petitioner's Leave and Liberty History record of 3 Jun 22  
(4) Medical Records of 29 Jul 21  
(5) HQMC Memo 1610 MMRP-30 of 14 Jun 22  
(6) CMC ltr 1610 MMRP-13/PERB of 2 Sep 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removal, or in the alternative, modification of his Fitness Report (Fitrep) for the reporting period 2 April 2021 to 13 September 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 November 2022, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of the naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was issued enclosure (2), a transfer Fitrep. Both Section I and K comments were favorable. The Reporting Senior's (RS's) comments included the following challenged comment: "MRO ably balanced his personal and professional requirements throughout this reporting period."

c. Petitioner contends the RS included an unacceptable comment in Section I and committed bias due to Petitioner's family issue. Petitioner claims that the placement and verbiage of the statement calls into question the RS's assessment of how personal issues weighed into his

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performance evaluation. Petitioner further contends that while he was on annual leave, his spouse relapsed and was admitted into alcohol rehabilitation. Petitioner claims his command was aware of his circumstances and gave him time upon returning from leave to find child care arrangements. Petitioner was subsequently given orders to a non-deployable unit in order to take care of his family. Petitioner submitted a screenshot of his leave history and his spouse's discharge summary for consideration. Enclosures (3) and (4).

d. Enclosure (5), an advisory opinion (AO) provided by Manpower Management Division Records and Performance Branch (MMRP-30), recommended Petitioner's request be denied. In this regard, MMRP-30 opined that "while the RS comment could be construed to imply that the Petitioner dealt with some personal requirements, the RS did not overtly insinuate that the Petitioner's distraction resulted in substandard performance, nor did the RS make any untoward comments regarding personal health information or sensitive matters." Additionally, the Petitioner "failed to provide any evidence to suggest that the RS Section I comment was intended as animus and he omits any evidence to suggest malfeasance nor irregularity with the reviewing officer's portion, further diminishing the argument for report removal." MMRP-30 deemed the Fitrep valid as written.

e. The Marine Corps Performance Evaluation Review Board (PERB), which took into consideration the unfavorable AO provided by MMRP-30, determined that there was no probable material error, substantive inaccuracy, or injustice warranting removal of the contested Fitrep. The PERB directed the Fitrep be retained as filed. Enclosure (6).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that, under the totality of the circumstances, Petitioner's request warrants partial relief. In this regard, the Board noted that although the challenged Section I comment noted above is not adverse and is in accordance with reference (b), the comment can be perceived as negative and is irrelevant to the Petitioner's overall performance. The Board thus concluded that the challenged comment shall be redacted from the Section I comments.

The Board also noted that Petitioner provided no justification to modify the RO's Section K observation to "Insufficient." The Board thus substantially concurred with the AO that there is no error or injustice in Section K of the Fitrep, and thus concluded modification to Section K is not warranted.

## RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by redacting the following from Section I of enclosure (2), "MRO ably balanced his personal and professional requirements throughout this reporting period."

No further changes be made to Petitioner's record.

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4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/6/2022

