



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

██████████
Docket No. 7048-22
Ref: Signature Date

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██

Dear ██████████

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 8 December 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 16 May 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 22 February 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to modify the fitness report for the reporting period 1 May 2003 to 26 September 2003 by changing the Reviewing Officer's (RO's) comparative assessment marking from block "6" to block "7." If relief is granted by the Board, you requested removal of all failures of selection for promotion to the next grade. You contend the RO inadvertently reduced his comparative assessment marking from the previous fitness report, and the reduction constitutes error because the Performance Evaluation System (PES) Manual states the comparative assessment mark should be 1) consistent with the RO profile and 2) a Marine being assessed in back-to-back reporting periods, and whose performance remains constant, should receive at least the same marks as assigned to the prior report. Since the Reporting Senior's relative value stayed the same, indicating your performance remained consistent, you contend the comparative assessment mark should not have dropped from block "7" on the previous report to block "6" on the contested report. In support of your contention, the RO submitted an advocacy letter stating the comparative assessment "error" was "inadvertent and

inconsistent with [his] assessment of [your] future potential and requested correction of the error by changing the comparative assessment marking to block “7.”

The Board, however, noting the AO’s recommendation to grant the requested relief and the PERB decision that the fitness report is valid as written and filed, determined there was insufficient evidence of an error or injustice. Specifically, the Board noted the more than 19 years that have passed since the RO’s comparative assessment of you as a First Lieutenant and further noted neither you nor the RO submitted new information that was not available at the time of the fitness report. Additionally, the Board, noting the fitness report constituted the 42nd report on grade by the RO – a highly mature profile -- and the exceptional RO comments in Section K, concluded the evidence does not support the RO’s explanation that his mark was “inadvertent.” Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification of 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: 