



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. 7052-22
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 27 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. The Board also considered the 2 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decision) and the 25 July 2022 Advisory Opinion provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AO). The PERB Decision and the AO were provided to you on 2 September 2022, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove from your official military personnel file (OMPF) an adverse fitness report covering the period 16 August 2017 to 15 September 2017. The report was adverse because while you were attending the Staff Non-Commissioned Officer (SNCO) course you failed to meet the minimum height and weight standards in accordance with Marine Corps Order (MCO) 6110.3A. You contend the report is unjust because you were undergoing personal issues, to include a divorce and child custody case during the time, and you had never been out of standards prior to or after attending the course.

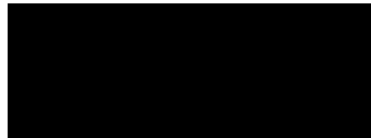
The Board noted that you do not dispute the fact that the height and weight measurements were accurately obtained and documented. The Board further noted that in your statement to the report you admitted that during the reporting period you failed to maintain height and weight

standards. The Board concurred with the AO that personal issues and re-attainment of acceptable height and weight standards does not remove the requirement to document the failure. Consequently, the Board determined that the contested report does not contain a material error or injustice warranting removal from your record.

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,

11/10/2022

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Deputy Director

Signed by: 