



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

██████████
Docket No. 7142-22
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.

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 November 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 23 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 11 August 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 23 September 2022. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

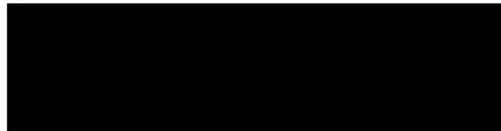
The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 7 March 2013 to 26 April 2013. The Board considered your contentions that your failed physical fitness test (PFT) score was not entered in your official training record and you did not receive an Administrative Remarks (Page 11) 6105 counseling entry notifying you of such failure. You assert the Reporting Senior Section I Directed Comments falsely state that you were counseled on the adverse nature of the Fitrep, but did not sign it by the 30 April 2013 deadline. To support your contentions, you provided a copy of your PFT History screenshot and chronological record for consideration to show that the PFT was not entered into your official military personnel file (OMPF).

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the Fitrep was procedurally correct as written and filed. The Board noted that you were required to conduct an inventory PFT while in a student status at Marine Security Guard School, and although the failure was unfortunate, it was due to your own lack of preparation. Additionally, the Board noted that the basis of your request to remove the Fitrep is not that you are contesting your PFT failure, but rather the command did not issue you a counseling entry or document your PFT failure in your training record. The Board determined that these contentions do not render the Fitrep invalid since the underlying basis for adversity of the report remains correct. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report from your OMPF. 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,

12/7/2022

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Executive Director

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