



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

██████████
Docket No. 7152-22
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 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 23 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 25 August 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

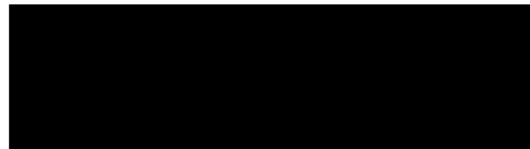
The Board carefully considered your request to remove the fitness report for the reporting period 14 November 2018 to 21 December 2018 based on your contention the adverse nature of the fitness report was not justified. Specifically, you contend the Performance Evaluation System (PES) Manual lists "being assigned to BCP or MAP" as a reason for performance-related adversity but you were never assigned to the Body Composition Program (BCP) and have never been assigned to BCP or a weight control program during your time in the Marine Corps. Further, you contend you were "found within standards shortly after this situation" so an adverse report was not warranted.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the PES Manual does not specifically require that you be formally assigned to the BCP and the fact you were never officially enrolled in and/or formally assigned to the BCP or that you “remained within acceptable standards, both prior to, and subsequent to the transgression, does not invalidate the challenged report. The Board also specifically noted the Staff Noncommissioned Officer (SNCO) Academy does not retain administrative control of student records and thus would not initiate any formal assessment for possible assignment to the BCP. The fact that your parent command subsequently determined you were within acceptable standards did not obviate the documented deviation. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal 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

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Deputy Director

Signed by: 