



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

██████████
Docket No. 7158-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 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 2 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 July 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 2 September 2022. Although you were given an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to modify your Fitness Report (Fitrep) for the reporting period 1 April 2021 to 19 August 2021 by removing adverse markings and Section I comments. The Board considered your contentions that at the time of the incident there was a shift in weather conditions, and that you were not apprehended or charged while driving under the influence of alcohol. You claim the adverse attribute markings are not a reflection of your character, work ethic, or leadership capabilities, but rather, you exemplified these traits, and through this adversity, you immediately notified your chain of command about the incident. You further claim that throughout this time, you continued to uphold the "Whole Marine Concept," upheld the Corps Values, and outshined your peers, which resulted in you earning an additional Military Occupational Specialty, Manpower Information System Analyst (MOS 0171).

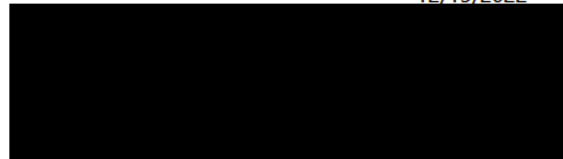
The Board, however, substantially concurred with the AO and the PERB decision that the Fitrep is administratively and procedurally correct as written and filed, in accordance with the

Performance Evaluation System (PES) Manual. In this regard, the Board determined that the Reporting Senior (RS) adhered to PES Manual guidance when issuing you the directed adverse Fitrep due to a civil conviction, in which alcohol was a determinant factor. The Board further determined the RS provided you the appropriate attribute markings and Section I comments based on the adverse nature of the Fitrep, and his relevant assessment of your performance at the time, all which was concurred with by the Reviewing Officer. The Board acknowledged the RS's endorsement you provided, however, noted that it omits any error or injustice within the challenged Fitrep. Similarly, when given the opportunity to rebut the adverse nature of the Fitrep, you chose not to do so and instead, accepted full responsibility for your actions. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy or injustice warranting corrective action.

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,

12/15/2022

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Deputy Director

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