



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

█  
Docket No. 7166-22  
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 11 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, as well as the 2 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 May 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 afforded an opportunity to submit a rebuttal, you chose not to do so.

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

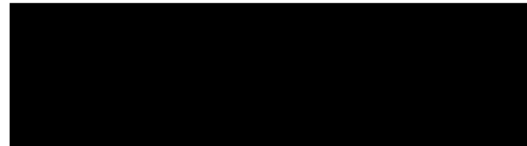
The Board carefully considered your request to remove your 1 January 2021 to 15 March 2021 Fitness Report (FITREP) from your record. The Board considered your contentions that the report contains unfair bias, you did not have a preexisting relationship with the Reviewing Officer (RO), and the Third Officer Sighter should have been the RO. You also claim the adverse FITREP was unjust because the failed inspection should have been documented as a training opportunity for future improvement and, other than this report, you have not had any prior adverse matters or disciplinary actions for the current grade.

The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that other than your personal statement that the fitness report contained unfair bias, you provided no evidence in support of this claim. Regarding your claim that the Commanding Officer should have been the RO, the Board noted that the PES Manual does not stipulate who should be the RO. However, the Board did take note that the Third Officer Sighter was your Commanding Officer and, therefore, he was given the opportunity to review the report. Further, the Board noted that although you had the opportunity to rebut the reports adversity, your chose not to do so. Based on this fact, the report is assumed accurate as written. Finally, regarding your claim that the failed inspection should have been documented as a training opportunity, the Board determined that it was within the discretion of your reporting chain to document your performance shortcomings in the FITREP based on the 6105 Page 11 you were issued for the event. The Board thus concluded that your request is lacking in substantial evidence of error or injustice to warrant removal of the FITREP. 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,

11/5/2022

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Executive Director

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