



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

██████████
Docket No. 7178-22
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.

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 23 September 2022 decisions by the Marine Corps Performance Evaluation Review Board (PERB) (the PERB Decisions) and the 1 September 2022 Advisory Opinions provided to PERB by the Manpower Management Division Records & Performance Branch (MMRP-30) (the AOs). The PERB Decisions and the AOs were provided to you on 23 September 2022, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove two fitness reports; one covering the period 16 February 2019 to 30 June 2019, and the second covering the period 1 July 2019 to 1 October 2019. You contend that the reviewing officer (RO) comparative assessment markings for both reports were inaccurate and unfairly low. You provided with your petition a letter from the reports' RO to the President of the Sergeant Major (SgtMaj) promotion selection board (PSB), asking the PSB to disregard the RO markings and evaluate you based on the fitness reports' comments.

The Board noted that the RO did not endorse your request to remove the fitness reports entirely; nor did the RO endorse corrective action to the reports, such as modify the comparative assessment marking. The Board further noted that there is no evidence of error or injustice with the reporting senior portion of the evaluation. The Board concurred with the AO that there is no evidence of substantiated error or injustice that would warrant invalidation of the RO portion of

the evaluation and removal of the fitness reports. Consequently, the Board determined that the contested reports contain no material error or injustice and shall remain in your official military personnel file as written.

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

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