



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

█
Docket No. 7258-22
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.

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 26 July 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to remove the fitness report for the reporting period 1 January 2017 to 26 March 2017. You contend the report is unjust and in error because it was not processed in a timely manner and not signed by the Third Officer Sighter as required by the Performance Evaluation System (PES) Manual. You further contend the Reporting Senior (RS) and Reviewing Officer (RO) comments are different in their descriptions, to include descriptions of separate infractions, one of which was clearly outside the reporting period. Lastly, you contend the accusation you lied is not supported by evidence and you were punished three times for a single incident.

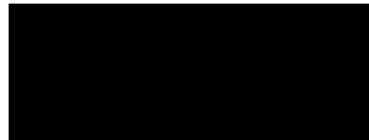
The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the RS clearly documented an incident that occurred outside the reporting period but simply referenced the incident as part of the reason for revoking your CDI

certification and not as an underlying basis for the fitness report adversity. The Board further noted the RO's comments did not inject any additional adversity but was intended to amplify the decision to revoke your CDI qualification as well as remove you from mechanic duties. Lastly, the Board substantially concurred with the AO's comments that the contentions raised in your petition were mostly included in the rebuttal statement to the contested fitness report and therefore do not constitute new facts not previously known. 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: 