



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

██████████
Docket No. 7283-23
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 17 October 2023. 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 14 July 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 13 April 2023 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 14 July 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 1 May 2021 to 14 November 2021, or in the alternative, change it to not-observed. The Board considered your contentions that the you spent various periods of time away from the reporting senior (RS) during the reporting period which resulted in a lack of meaningful contact with your RS and the RS not having adequate time with you to effectively observe your performance. You also contend the RS failed to mention any period of non-availability in your Fitrep. You further contend the RS did not inform you that his portion of the Fitrep was completed and he did not discuss his marking philosophy and comments with you prior to routing the Fitrep to the Reviewing Officer, which is in direct violation of the Performance Evaluation System (PES) Manual.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the PES Manual, the Fitrep was procedurally correct as written and filed. In this regard, the Board determined that the RS adhered to PES Manual guidance when issuing you the observed Fitrep. The Board noted the periods you were away from the command, however determined that aside from the RS's noted non-availability, all other periods do not constitute formal periods of non-availability for minimum observation purposes. Additionally, in reviewing your record, the Board noted your two previous consecutive not-observed Fitreps and determined that there would be no benefit of an additional not-observed Fitrep in your record. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting removal of the Fitrep from your official military personnel file or modification.

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, _____

11/7/2023

