



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

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Docket No: 7380-22  
Ref: Signature Date



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 25 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 10 June 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). The AO was provided to you on 2 September 2022, 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.

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 fitness report for the reporting period 17 February 2021 to 4 June 2021 or to modify it by changing it to be not observed. The Board considered your contention that the attribute marks do not accurately coincide with the Section I comments. The relative value at processing was 83.92, which is below average, however, the Section I comments are complimentary and you were highly recommended for duties as a Master Sergeant. You also contend that the comparative assessment was below

average, yet the reviewing officer (RO) claimed that his observation of your performance was sufficient, and concurred with the reporting senior (RS) comments and attributes. In addition, the RO recommended that you be assigned to the most challenging billets and enthusiastically recommended you for promotion to Master Sergeant. Finally, you contend the period of observation was only 110 days and barely met the requirement for an observed report.

The Board, however, substantially concurred with the PERB decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted that the Marine Corps Performance Evaluation System Manual does not provide a scale to match attribute marks with Section I comments. The Board also noted that the reporting period was more than the required 90 days required for minimum observation. The Board found no evidence that your performance and conduct warranted higher marks than you received and determined that a low relative value does not constitute a basis to remove or modify your fitness report. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal or modification of the fitness report. 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,

11/7/2022

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Executive Director

Signed by: █