



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

██████████  
Docket No. 7512-22  
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 20 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 31 August 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 31 August 2022. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

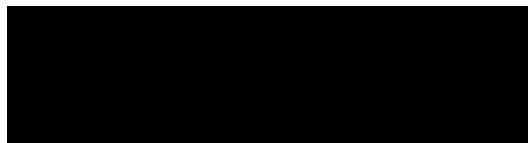
The Board carefully considered your request to remove your fitness report (fitrep) for the reporting period 13 January 2020 to 1 July 2020. The Board considered your contention that the reporting senior (RS) submitted attribute markings placing you near the bottom of his grading profile, while making laudatory comments in Section I. You also contend that the RS comments describe higher than average value, while the letter grades average has you significantly below the RS average, and the disparity between the attribute marks and Section I comments are not in accordance with the Performance Evaluation System (PES) Manual. You further contend that the reviewing officer (RO) assumed command and the role of the RO on 11 June 2020, which did not allow for sufficient knowledge and observation time during the reporting period. To support this contention, you provided the command chronology as evidence documenting the RO's availability observation during the reporting period.

The Board, however, substantially concurred with the PERB decision that, in accordance with the PES Manual, the fitrep is 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 and provided you with the appropriate markings and Section I comments according to his observation of your performance at grade processing. With regard to your contention that the RO lacked sufficient observation time, the Board acknowledged the command chronology documents, however, noted that the RO has discretionary authority to determine whether or not he had sufficient time to observe your performance, and that he was not limited by minimum observation times in accordance with PES Manual guidance. Moreover, Section K comments appear to be well informed. 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.

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,

1/20/2023

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Deputy Director

Signed by: 