



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. 7514-22
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 15 November 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 16 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 7 September 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 mailed to you on 16 September 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 for the reporting period 1 April 2019 to 20 May 2019. The Board considered your contention that you were unable to focus on Drill Instructor (DI) School because you were not in the right mindset. The Board also considered your contention that you were struggling mentally, physically, and emotionally with external stressors related to your family as well as your claim that the situation could have been handled better.

The Board noted that you were given an adverse transfer (TR) fitness report while serving as a student at DI School, █, for violation of the Uniform Code of Military Justice, Article 92, willful dereliction in the performance of duties. Your Reporting Senior (RS) commented that you were disenrolled for cause from DI School Class 3-19 due to your lack of reasonable effort and cavalier attitude. The Board noted that the Reviewing Officer highlighted in his comments that you did not want to be a DI and

intentionally performed in such a manner that would get you disenrolled, and that you requested to the performance review board to be disenrolled.

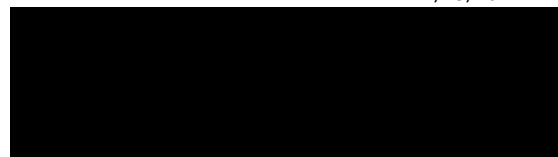
The Board substantially concurred with the AO and noted that you did not dispute any of the facts, nor the underlying basis for the report adversity. In fact, the Board noted that in your rebuttal statement, you acknowledged that you did not desire to become a DI. You also acknowledged that the command would support you and your family. Finally, the Board noted that you did not dispute the RS's statement that you informed the school you did not desire to remain a student and that you did not want to complete DI duty as well as the statement that, "you would probably violate the Recruit Training Order if required to perform DI duty."

With regard to your contention that you were unable to focus on school because you were not in the right mindset and that you were struggling mentally, physically, and emotionally due to external stressors related to your family, the Board agreed with the AO that if your family situation was such that it precluded your attendance at DI School, the circumstances should have been identified and sufficiently vetted during the pre-screening process. Further, the Board noted that you provided no evidence in support of these claims. The Board determined that your contention lacks any validation by supporting evidence beyond your personal statement. The Board thus determined that the report was administratively correct, procedurally complete, and valid at the time of submission, and remains as such. The PERB determined, and the Board concurred that you failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting removal of the 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,

12/15/2022

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Deputy Director

Signed by: 