



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

█
Docket No. 7558-22
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 22 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 30 August 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 covering the reporting period 1 July 2021 to 27 August 2021 based on the advocacy letters from the Reporting Senior (RS) and Reviewing Officer (RO), which recommended removal. Specifically, the RS noted your performance "since the aforementioned reporting period" and the RO stated that "since the writing" and "after some serious reflection" he has reconsidered his initial decision and now strongly feels that you have unlimited potential for continued outstanding service.

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 Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the PES Manual does not include a provision for "retroactive removal" of adverse fitness reports based on the premise of prior and subsequent performance and conduct and/or perceived limitations of future competitiveness. The Board further concurred with the AO's discussion regarding your relief for cause from your position as the Company Gunnery Sergeant and the Administrative Remarks

(Page 11) 6105 counseling entry issued on 27 August 2021. 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,

1/18/2023

A large black rectangular redaction box covering the signature area.

Deputy Director

Signed by: 