



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

██████████  
Docket No. 8047-22  
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 12 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 21 October 2022 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 9 September 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 21 October 2022, and you were given 30 days in which to submit a response. 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 June 2021 to 11 May 2022. The Board considered your contention that the reviewing officer (RO) consistently displayed bias. During the year as a member of the primary staff, it was increasingly clear that the RO harbored a bias against you that affected his ability to objectively evaluate your performance and the performance of the S-6, which was the largest staff section in the Regiment's Headquarters. You claim that the RO made unwarranted negative comments about the staff's ability to execute its mission on numerous occasions, and this was epitomized by his comment, "Comm always sucks." You also claim that the RO's repeated disparaging comments and judgments ignored how well services supporting the Command and Control were actually implemented and sustained. In addition, the RO displayed a lack of understanding, approaching disdain for your occupational field and even questioned why anyone

would desire to become a communications officer unless their motivation was a future high salary in the private sector.

The Board, however, substantially concurred with the AO that your fitness report is valid and should be retained as filed. In this regard, the Board noted the correspondence from the senior enlisted advisor, but found it and your evidence insufficient support your assertions that the RO's evaluation of your performance was bias. The Board determined that a personality conflict between the Marine and a reporting official is not a basis to remove a fitness report. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/14/2022

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Signed by: