



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

██████████
Docket No. 8058-22
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 10 January 2023. 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 by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 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 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 chose not to do so.

The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 7 June 2018 to 31 May 2019. You assert that you and the Reporting Senior (RS) and Reviewing Officer (RO) were all Majors when the Fitrep was written. The Board considered your contention that, although the RS made a directed comment regarding the same grade, the RO, in violation of the Performance Evaluation System (PES) Manual, did not indicate in his Section K comments authorization for the RS to complete a Fitrep on an officer of same grade. You maintain that while the same grade Marine Reported On/RS/RO is not specifically prohibited, this configuration does seem to violate the intent of the PES Manual as there were both Lieutenant Colonels and Colonels in the command available to serve as your RS and RO.

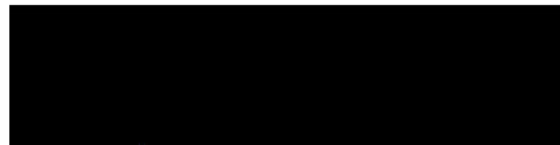
The Board, however, substantially concurred with the AO and PERB decision that in accordance with applicable PES Manual guidance, the Fitrep was administratively and procedurally correct as written and filed. In this regard, the Board noted Chapter 2, Paragraph 10d of the applicable PES Manual that provides guidance on seniority issues. The Board, however, determined that since the RS was the Division Head at the time of processing, you were required to report to him by virtue of his senior billet. Consequently, the RO was the Department Head and the RS reported to him in the normal chain of command progression.

The Board further noted that despite the RO's omission, you did not offer any evidence that suggested the RS was not your direct supervisor. The Board thus determined that the RO adhered to PES Manual guidance and was not required to provide authorization in Section K comments since your RS was senior to you in billet. The Board thus concluded that there is no 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,

2/6/2023

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Deputy Director

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