



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

██████████
Docket No. 8059-22
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 27 July 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify your Fitness Report (Fitrep) for the reporting period 1 June 2020 to 23 October 2020 by making it "not observed" or in the alternative, removed in its entirety. You also requested correction to your master brief sheet and removal of all failures of selection (FOSSs) to the grade of Lieutenant Colonel (LtCol). The Board considered your contentions that recent e-mail correspondence with the Reporting Senior (RS) regarding profile dynamics and decreased relative value (RV) is evidence of profile mismanagement and deviation from Performance Evaluation System (PES) Manual guidance.

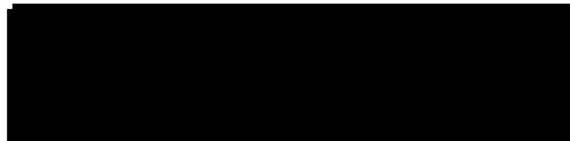
You also contend that the RS's Section I comments contradict the RV of the Fitrep, and the RS used the Fitrep as a "welcome aboard" evaluation, in violation of PES Manual guidance.

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 determined that the RS adhered to PES Manual guidance when providing an appropriate evaluation based on his timely and relevant assessment of your performance at the time. Moreover, absent any error or injustice, you failed to provide sufficient evidence beyond your own statement to support any of your contentions. Furthermore, you failed to provide sufficient evidence that the e-mail correspondence proved that the RS acted inappropriately and intentionally wrote the Fitrep to ensure a low RV. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting modification or removal of the Fitrep from your official military personnel file, or adjustment to your master brief sheet. With regards to your request for removal of all FOSs to the grade of LtCol, the Board determined that your request does not warrant relief.

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,

2/7/2023

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Deputy Director

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