



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. 8060-22
Docket No. 8061-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your applications 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 applications, 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 applications have been denied.

Although your applications were not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your applications on their merits. A three-member panel of the Board, sitting in executive session, considered your applications 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 applications, 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 and 26 October 2022 decisions by the Marine Corps Performance Evaluation Review Board (PERB) and the 3 August 2022 Advisory Opinions (AOs) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to modify your fitness reports for the reporting periods 1 October 2008 to 15 April 2009 and 5 May 2010 to 23 May 2011 and to remove your failures of selection to Lieutenant Colonel. Specifically, you requested the fitness reports be modified by changing the Reviewing Officers' (ROs') comparative assessment markings to reflect the requested markings in their respective advocacy letters submitted in support of your requests. The Board considered the ROs' statements that the marks given on the challenged reports were inconsistent with their assessments of your future potential compared against your peers.

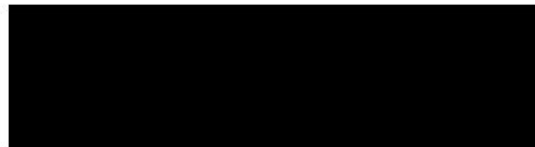
The Board, however, substantially concurred with the AOs and the PERB decisions that the fitness reports are valid as written and filed, in accordance with the applicable Performance

Evaluation System Manual guidance. In this regard, the Board noted that the former ROs expressed good intentions to improve your comparative assessments and profile placement but their endorsements did not include any new facts that were unknown at report processing. The Board further concurred with the AOs that there was nothing reflected and/or documented in the challenged fitness reports that warranted displacing such a large number of peers. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification of the contested fitness reports or removal of the failures of selection.

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,

1/17/2023

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Deputy Director

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