



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

██████████  
Docket No. 8064-22  
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 20 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 by the Marine Corps Performance Evaluation Review Board (PERB), and the 15 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. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 26 June 2021 to 1 July 2022 Fitness Report. The Board considered your contention that the evaluation you received is inconsistent with previous counseling records and it does not reflect a fair and accurate evaluation of your performance. The Board also considered your claim that the evaluation was intended as punishment for your involvement in an incident resulting in the investigation of the Reporting Senior (RS) and Reviewing Officer (RO).

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 that there is no PES Manual scale to “match” informal counseling sessions with subsequent attribute markings. The Board also noted that although you might have received favorable counselings and you may possibly have met or exceeded the minimum expectations as outlined in Section B of the contested fitness

report, the Board concluded that the RS considered the two peer Majors in his profile to have done better.

In regards to your contention that the evaluation was punitive based on your purported personal involvement resulting in the investigation of the reporting officials, the Board determined that beyond your personal statement this contention lacks validation by supporting evidence. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting the requested 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,

1/5/2023

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Deputy Director

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