



**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. 8071-22  
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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 21 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 remove your fitness report for the reporting period 17 June 2021 to 17 December 2021. The Board considered your contention that the fitness report was written in violation of the Marine Corps Performance Evaluation System Manual because Section I includes comments regarding active Department of Defense and Marine Corps Inspector General (IG) complaints.

The Board, however, substantially concurred with the AO's decision that the balance of your fitness report is valid and should be retained as modified. In this regard, the Board noted that the PERB approved a correction to your record by removing the Section I comments referencing your active IG investigations and included a comment reflective of the reviewing officer's (RO's) comments. The Board also noted that the fitness report was submitted as a result of your transfer from flight training. The Board determined that your transfer from flight training was subject to documentation, thus the contested fitness report was warranted. The Board also determined that the PERB's correction to your record sufficiently addressed the fore mentioned error and found no error in the RO's portion of the fitness report. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting additional 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,

1/6/2023

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Deputy Director

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