



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. 8114-22
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 12 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 25 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. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 11 June 2020 to 31 May 2021 Fitness Report. The Board considered your contentions that the fitness report is unjust due to lack of professional objectivity from the Reporting Senior (RS) which stemmed from an unresolved personality conflict. The Board also considered your contention that the Reviewing Officer (RO) was not in a position to rate your performance due to lack of observation time due to geographical separation between you and the RO. Finally, the Board also considered your claim that the "metrics of performance" you provided demonstrate that your performance was comparable or superior to that of your peers.

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 a personality conflict between an individual and their reporting official does not automatically constitute grounds for

relief. Further, regarding your contention that the RO was geographically separated and lacked observation time, the Board noted that reporting officials are not required to be co-located in order for observation to occur. Finally, the Board considered your claim that the metrics of performance you provided demonstrates that your performance was comparable or superior to that of your peers but found the evidence insufficient to support your claim. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice of this report established in 2021.

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

