



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. 482-23
Ref: Signature Date



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 21 February 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 3 January 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 18 August 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 3 January 2023, 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 carefully considered your request to remove your fitness report for the reporting period 1 June 2021 to 31 May 2022. The Board considered your statement and contention that your reporting senior (RS) submitted your fitness report with the intent of under valuing your performance and the status of your billet in favor of past lieutenant colonels in his record. You also contend that the result of the fitness report had a negative impact on your overall record by clouding the relative value of this particular report in relation to other reports written by the RS for Marines of the same grade. You assert that removing the inaccurate report will prevent any further negative impact on your career at future boards. You interpreted the RS's Section I statement to infer that your efforts, ability, and performance, and how that compared to past lieutenant colonels, were artificially suppressed by the RS's preference for the requirements of those officer's billets, simply for the fact they held the billet and completed PTP. You claim that

you did not have a chance to receive an on par evaluation, let alone a better one, no matter the nature of your performance, due to your billet and assigned tasks.

The Board, however, substantially concurred with the PERB's decision and the AO. In this regard, the Board noted the RS's Section I comments explaining the dynamics of his profile for Marines of your grade. The Board determined that the Marine Corps Performance Evaluation System (PES) Manual encourages reporting officials to address conflicts and to amplify attributes that are not readily apparent. The PES Manual provides that, "Mandatory comments are those required to give the CMC a more complete picture of the MRO's professional character, performance, and potential which are not readily apparent from attribute marks or other narrative portions of the report. Additionally, they provide a means for the RS to clarify to the reader of the report when the RS's profile or marking philosophy creates a disparity that is not readily apparent without proper context." The Board determined that your RS acted according to the PES Manual and found no evidence that he issued your fitness report with the intent to under value your performance or to diminish the status of your billet. The Board also determined that the perceived competitiveness of a report's relative value does not constitute a basis to remove your fitness report. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

3/5/2023

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Executive Director

Signed by: █