



**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. 490-23  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 28 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 12 October 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 6 July 2016 to 7 July 2016. The Board considered that Section I of the contested fitness report states that you failed to meet minimum standards. You contend that the weigh-in sheet from your parent command shows that you were within standards. You claim that you have never exceeded Marine Corps height and weight standards and another Marine that received an adverse fitness report on the same date, for the same reason had his adverse report remove and was remedially promoted. You also claim that the Director of the Staff Non-commissioned Officer (SNCO) Academy was relieved for cause for giving Marines arbitrary adverse fitness reports. As evidence, you provided your physical fitness test and combat fitness test history.

The Board, however, substantially concurred with the PERB's decision and the AO. In this regard, the Board noted that your contested fitness report was marked adverse for exceeding Marine Corps body fat standards for your age group. The Board found no evidence of your parent command's weigh-in, and determined that the weigh-in conducted by your parent command does not invalidate the results of your weigh-in and body fat assessment conducted at the SNCO Academy. The Board also noted that the reviewing officer attested to personally observing your body fat assessment, he found that the body fat assessment was conducted according to the Marine Corps Body Composition and Military Appearance Program Manual, and your lowest circumference measurement was 20 percent. The Board noted, too, that you took responsibility for your deficiency and indicated that you would continue to strive to be well within standards. Contrary to your claim, the Board found no evidence that the Director of the SNCO Academy was relieved for cause for issuing arbitrary fitness reports and you provided none. 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, \_\_\_\_\_

3/11/2023

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Executive Director

Signed by: █