



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

█  
Docket No. 493-23  
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.

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 23 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 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 and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 3 January 2023. 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 1 January 2017 to 5 April 2017 Fitness Report or, in the alternative, to remove the Reporting Senior's (RS) observations and the Reviewing Officer's (RO) comments. The Board considered your contention that the report inaccurately reported the issues that occurred during the reporting period, to include some issues that you claim occurred outside of the reporting period. The Board also considered your contention that although the RS claims you were issued a 6105, it was just a Page 11 due to some missing elements in accordance with the MCO 1900.16.

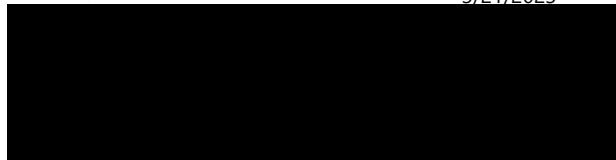
The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System

(PES) Manual guidance. In this regard, the Board noted the underlying basis for the reports adversity was clearly articulated in the Section I comment in which the RS states that you failed to meet the expectations outlined in the billet description. Further, the Board noted in your statement that you acknowledged that it was your responsibility to ensure your clerks followed up with the process to ensure appropriate actions were completed regarding the Nonjudicial Punishments. Moreover, the Board noted the RO's comment that it was not your failure to submit valid unit punishment book entries but rather your failure to submit them in conformance with requirements, further compounded by the fact that the command discovered the failures through other units. Additionally, the Board noted that whether or not the exact timeframe involved constituted four months or longer, the inconsistency was documented during the reporting period and was germane. Finally, in regards to your contention that the RS improperly referenced 6105 vice a page 11 in the contested report due to missing key elements, the Board determined that although the page 11 entry was not written strictly according to the Marine Corps Separation and Retirement Manual, the error is not material and would not have changed the basis for adversity. Moreover, the entry was sufficient to meet the requirements for a 6105 page 11 entry and you were afforded an opportunity to submit a statement, which you elected not to do. The Board thus concluded that your request is lacking in substantial evidence of error or injustice of the fitness report in question. 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,

3/21/2023

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Signed by:

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