



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. 513-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 14 March 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 3 January 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 4 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 fitness report for the reporting period 1 July 2020 to 19 July 2021. The Board considered your contentions that the fitness report is inaccurate and unjust based on a host of deviations from the Marine Corps Performance Evaluation System (PES) Manual. Specifically, during the reporting period, the only time the command observed you was approximately one month before deployment and a few months after deployment, which included 13 days on leave and 10 days on Permissive Temporary Additional Duty (PTAD) before you executed permanent change of station orders. You also contend that the reporting senior (RS) attached to the command 34 days after the reporting period began, you supported a pre-deployment site survey for nine days, you were on 14 days pre-deployment restriction of movement prior to deployment, and you were forward deployed for 190 days while the RS and reviewing officer (RO) were in the United States. You believe that the evaluation of your performance was not focused due to lack of meaningful personal contact. You claim that the Section I and K comments are not clear in their meaning, they

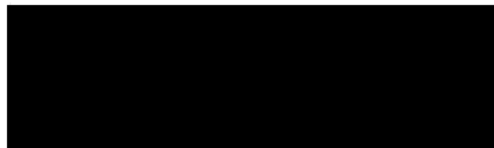
contain ambiguities, are essentially a recap of the billet accomplishments in Section C, the RS did not provide a more complete picture and detailed evaluation, and the RO did not provide depth to the fitness report. As evidence, you furnished a statement, Marine Corps Total Force System extracts, your leave summary, and personal award documentation for consideration.

The Board, however, substantially concurred with the AO and PERB decision that the fitness report is procedurally correct as written and filed. In this regard, the Board noted the evidence you provided, however, according to the PES Manual, periods of non-availability are period of 30 or more combined consecutive days. The Board also noted that the reporting period covered almost 13 months, the RS and RO comments appear informed, and your deployment during the reporting period was acknowledged. The Board determined that your absences did not constitute periods of non-availability and were not sufficient to render the fitness report not observed. The Board also determined that the RS and Marine Reported On are not required to be in the same geographic location for observation to occur. Furthermore, the Board found no evidence that your performance and conduct warranted higher marks than you received, and you provided none. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice in your case. 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,

4/11/2023

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Signed by:

A black rectangular redaction box covering the name of the signatory.