



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. 515-23
Docket No. 516-23
Ref: Signature Date

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Dear Petitioner:

This is in reference to your applications 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 applications, 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 applications have been denied.

A three-member panel of the Board, sitting in executive session, considered your applications 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 applications, 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 decisions by the Marine Corps Performance Evaluation Review Board (PERB) and the 2 November 2022 and 7 November 2022 Advisory Opinions (AOs) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The AOs were provided to you on 3 January 2023, and although you were given an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the fitness reports for the reporting periods 1 September 2018 to 31 December 2018 and 1 January 2019 to 22 September 2019. Specifically, you requested the fitness reports be removed because the Reporting Senior (RS) gave you identical grades for two separate reporting periods. Further, you contend the below average fitness reports have contributed to bringing your overall staff sergeant average extremely low, which you contend may be a contributing factor to your being passed for promotion in the past two years. Additionally, the Board considered your contention the Performance Evaluation System (PES) Manual states that a RS who “consistently mark[s] all of their Marines the same do[es] a disservice to their Marines and to promotion/selection/retention boards because the reports will, for the most part, lack relative value in relation to all other reports” written by the RS for Marines of the same grade.

The Board, however, substantially concurred with the AOs and the PERB decisions that the fitness reports are valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted there is no stipulation in the PES Manual that restrains or otherwise precludes a RS from mirroring or replicating attribute markings assigned to the same Marine from reporting period to reporting period. Further, the Board concurred that the quoted portion of the PES Manual lacks context because the referenced guidance pertains to all Marines in a respective profile and is not necessarily applicable to individual Marines with multiple reports within the same profile. Additionally, the Board noted you did not suggest irregularity with the Reviewing Officer portion of the fitness reports which diminishes your argument for report removal in its entirety. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested fitness reports.

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,

3/29/2023

