



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. 537-23
Ref: Signature Date

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Dear █:

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 application on its merits. 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 the 3 January 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 10 November 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 January 2016 to 31 December 2016. The Board considered your contention that a previous Board decision directed that, "all materials or entries" generated from the erroneous 6105 counseling entries be removed from your record. You claim this should also pertain to the erroneous adverse fitness report. You also claim there is no evidence of remedial conditional program, Marine On-Line, or Marine Corps Total Force System assignment to the Body Composition Program (BCP). As evidence, you submitted a statement and previous Board's decision documentation for consideration.

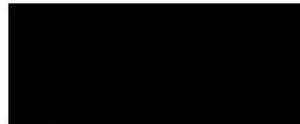
The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is procedurally correct as written and filed. In this regard, the Board noted that while the

fitness report indicates processing for the BCP, the underlying basis of the fitness report's adversity was your failure to meet prescribed Marine Corps height/weight/body fat standards. The Board also noted that the Marine Corps Performance Evaluation System (PES) Manual does not require formal assignment to BCP to render a fitness report adverse. The Board noted, too, that your contested fitness report does not mention any counseling entries, therefore, the Board determined that the previous Board's decision to remove your counseling entries does not extend to your contested fitness report. 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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Executive Director

Signed by:

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