



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

█  
Docket No. 1711-23  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 April 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 13 February 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 9 November 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 13 February 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 5 January 2022 to 19 May 2022. The Board considered your contention that you were evaluated based on your time in grade instead of your performance. You also contend that the reporting senior (RS) failed to clarify the disparity between the marks, language, and vague language to the reader of the report. Further, the fitness report is not consistent, the attribute marks ensured the report was in the bottom-third of the RS profile while providing laudatory remarks. In addition, the RS failed to omit superlative adjectives and imprecise phrasing. You also claim that the RS influenced the reviewing officer's (RO's) comparative assessment with an evaluation recommendation based on the same faulty evaluation process.

The Board, however, substantially concurred with the AO and PERB's decision that your fitness report is valid and should be retained as filed. In this regard, the Board noted RS correspondence to the Recruiting Station Commanding Officer Selection Board and determined that the RS's correspondence constituted an explanation of his profile dynamics and your placement in his profile. According to the Marine Corps Performance Evaluation System (PES) Manual, RS's must, "at a minimum give consideration to the individual's grade, experience within grade, and accumulated experience." The Board determined that the RS's evaluation of your performance was valid and aligned with PES Manual guidance. The Board also determined that the Section I comments were not vague, are favorable, and appear well informed. Moreover, the Board found no evidence that the RS influenced the RO's comparative assessment and you provided none. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal 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,

4/27/2023

