



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. 2064-23
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 27 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 by the Marine Corps Performance Evaluation Review Board (PERB), the 14 October 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), and your response to the PERB decision.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request modify the fitness report for the reporting period 1 June 2020 to 15 September 2020 by removing the Reviewing Officer's (RO's) comments and markings. Further, you requested removal of all failures of selection. You contend the RO's comments and markings are a "direct copy and paste" from the worksheet provided by the Reporting Senior (RS), and he did not make "every reasonable effort to know [your] professional capabilities" or "add depth" to assist the Commandant of the Marine Corps distinguish among Marines. The Board also considered your contention that, aside from routine monthly command briefs, you had almost no interaction with the RO so he "had very little information to assess [you] properly" and, even if the RS and RO had a close relationship to allow for the RS to have a "good understanding" of the RO's thought process, the fact remains the RS and RO are two

separate individuals “who will never have a mirrored thought process.” Further, you contend the RS will never have the knowledge and experience to compare Marines’ professional abilities and potential to other Marines of the same grade whose professional abilities are known to the RO. Additionally, you contend the RO’s “unoriginal comments and lack of depth have played a significant factor” in your failures of selection to the next rank. The Board also considered your 12 March 2023 response to the PERB decision, specifically noting the additional comments and clarification.

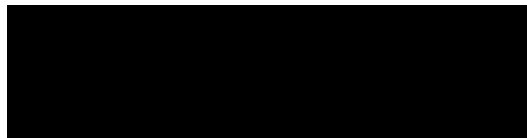
The Board, however, substantially concurred with the AO and the PERB decision the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted the RO’s solicitation of RS input conformed to the applicable PES Manual guidance, it a widely-utilized technique, lends to increased insight and greater fidelity of RO assessment, and did not necessarily compromise the integrity of the contested report. Further, the Board noted the PES Manual would not encourage the RO to seek the additional input from the RS if the guidance did not presume the RO may in fact incorporate some, or even all, the additional info. Although the Board was not impressed with the RO’s decision to incorporate what appears to be the RS’s exact wording without adding personal edits, the Board concluded the report conforms to the requirements of the PES Manual and substantially concurred with the AO that it is valid as written. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification of the contested fitness report from your record.

The Board also noted a separate panel of Board members granted your request to remove the failures of selection when considering Docket No. 8327-22, and concluded no further action was required. 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,

5/11/2023

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Deputy Director

Signed by: 