



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. 2080-23
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 11 May 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 March 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 January 2023 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). The AO was provided to you on 3 March 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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

The Board carefully considered your request to remove the fitness report for the reporting period 19 July 2020 to 17 September 2020. The Board considered your contention that according to the Marine Corps Performance Evaluation System (PES) Manual, if a Marine is dropped from a school due to lacking the natural abilities or aptitude to completed the course . . . the reporting senior (RS) shall comment that the Marine was dis-enrolled from the school because he/she did not meet the required prerequisites, and the RS will complete the report as a regular, non-adverse fitness report. You claim that you did not have the time in the Fleet Marine Force (FMF) to build

the proficiency to lead an Assault Amphibian Vehicle (AAV) unit allowing you to be successful in the course. You also claim that you were required to dedicate everything to learning a new platform to become an Amphibious Combat Vehicle (AVC) subject matter expert. You noted that you attended the intermediate Vehicle Commanders Course, then 19 days later you reported to the AA Unit Leader Course.

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 that you were academically dropped from the AA Unit Leaders Course due to performance failure. The Board also noted that the AA Unit Leaders Course is considered a follow on Military Occupational Specialty (MOS) related formal course of instruction. The Board determined that your reliance on the fore mentioned PES Manual guidance is misguided. According to the PES Manual, examples that are not adverse include being dropped from flight school or any entry level technically oriented school because of not having specific ability or aptitude. However, academic failure in a MOS related follow-on school warrants an adverse fitness report. The Board also determined that your fitness report was properly rendered adverse due to your dis-enrollment from an MOS related follow on school for failing to meet academic requirements. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

5/26/2023

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Deputy Director

Signed by: █