



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

█  
Docket No. 2083-23  
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 25 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 3 March 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 30 December 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). 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 19 June 2021 to 21 October 2021 Fitness Report. The Board considered your contention your command attempted to mark your performance adverse based on failure of your overseas screening process while you were battling a medical dependency issue and that you would have executed orders when restored to full duty. The Board also considered your claim that the fitness report was not in compliance with the Performance Evaluation System (PES) Manual due to numerous errors.

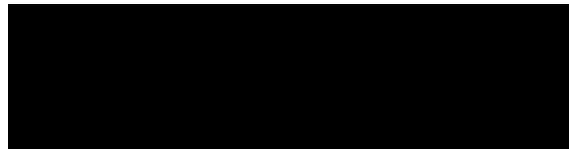
The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that the reporting chain documentation of alcohol misuse is a reportable occurrence pursuant to the PES Manual. Further, the Board noted that the Reporting Senior (RS) determined that the consequences of your actions constituted performance-based adversity. Moreover, the Board noted that the RS clearly indicates that your alcohol misuse had an adverse effect on your performance and/or military

duties and/or mission effectiveness and/or health and/or the Department of the Navy. Furthermore, in regards to your contention that you were seeking medical care from alcohol dependency, the Board noted that because you were receiving medical care does not remove the underlying basis for the report's adversity. Finally, the Board agreed with MMRP-31's assessment that the report is administratively correct. The Board thus concluded insufficient evidence of error or injustice exists to remove the fitness report from your record. 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,

5/12/2023

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Deputy Director

Signed by: 