



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. 2086-23
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 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 3 March 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 20 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 chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 20 January 2022 to 8 March 2022. The Board considered contention that the report was marked adverse for exceeding Marine Corps height/weight standards, however, you were not assigned to the Body Composition Program (BCP), nor afforded the opportunity for a medical provider to determine the cause of your weight gain prior to submission of the fitness report. You also contend that you were not aware that you were receiving an adverse report, and could have presented evidence, but could not due to Permanent Change of Station orders. You claim that the fitness report was not initially rendered adverse, the Marine Corps Records and Performance Branch required the RS to make the fitness report adverse. You also claim that your reporting chain agreed that the fitness report should be removed because of an underlying medical condition that was unknown to them at the time, and a medical provider agreed that limitations related to an injury and surgery were the reasons you exceeded standards.

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 exceeded Marine Corps height/weight standards during the reporting period. According to the Marine Corps Performance Evaluation System (PES) Manual, the reporting senior is required to comment if the Marine is not within body composition standards, and if the body fat percentage is greater than the maximum allowed for the Marine's age group, the report is adverse. The Board determined that your reliance upon the lack of BCP assignment and your retroactive assignment to limited duty is misguided. The PES Manual does not require assignment to the BCP to render a fitness report adverse, and the Marine Corps BCP and Military Appearance Program (MAP) Manual, states that Marines assigned to light or limited duty are required to comply with established body composition and military appearance standards. The Board found the correspondence from your reporting chain unconvincing and contrary to regulations. In addition, the Board determined that the medical provider's comments did not include any indication of an underlying medical condition that caused your weight gain. As a result, the Board found no criteria that would warrant an exemption to Marine Corps height/weight standards. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report. 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,

5/18/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]