



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

█
Docket No. 3076-23
Ref: Signature Date



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 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 April 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 24 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 April 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 1 July 2021 to 23 June 2022. The Board considered your contention that Sections D through H markings are substantively inaccurate compared to your actual performance during the reporting period. The relative value does not match what the reporting senior (RS) stated it would be during the out brief and the promotion recommendation statement does not match the RS's statement that the fitness report would be above average. You also contend a promotion and/or command selection board may perceive the comments, "possessing unmatched candor" and "beloved leader who provided candid...advice" as patronizing. You claim that you were told the relative value would be above average, however, the relative value was 88.6 at processing and 85.95 cumulatively. You also claim that the resident Professional Military Education (PME) recommendation brings into question the accuracy of this report because you already attended

and graduated from resident PME. You acknowledged that a fitness report is not considered unjust solely based on relative value, but you believed the RS's statement, and above-average aligned with your personal assessment of your performance during the reporting period.

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 your RS has a narrow profile average and your fitness report is .02 percent below the RS's average. The Board also noted that according to the Marine Corps Performance Evaluation System Manual, RSs must, "[d]etermine the position on the scale that best reflects the performance or behavior of the MRO during the evaluation period. Grades are earned by the MRO's displayed efforts and apparent results; they are not given to attain a perceived fitness report average or relative value." The Board determined that your dissatisfaction with the fitness report's relative value does not constitute grounds for removal. When read in context, the Board did not find the contested comments to be patronizing. In addition, any predictions of a future promotion board's perception is speculation and lacks merit. The Board also determined that the reference to resident PME does not invalidate the accuracy of the RS evaluation of your performance. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the contested 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,

6/9/2023

█

Signed by: █