



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

█  
Docket No. 3106-23  
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 16 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 20 January 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 3 April 2023. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

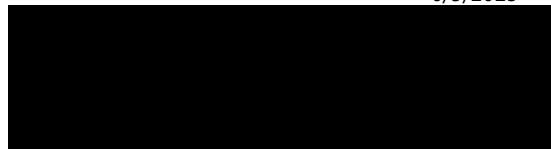
The Board carefully considered your request to modify the fitness report for the reporting period 16 October 2021 to 31 May 2022 by removing the Section K comparative assessment. You also request a Special Selection Board (SSB) for the Fiscal Year (FY) 2024 USMC Major Limited Duty Officer (LDO) Promotion Selection Board (PSB). The Board considered your contention that the Marine Corps Performance Evaluation System Manual directs reporting officials to avoid negative phrases and their implication unless the intent is to render the report adverse. You claim the Reviewing Officer (RO) made comments that you believe are adverse, although the fitness report was not marked adverse. You also claim the reporting official's comments indicate that your performance met or exceeded standards, and they recommended you for promotion.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed. In this regard, the Board noted the RO comments and found no evidence of negative phrases to suggest that the RO intended to process an adverse evaluation. The Board determined that your reporting official's recommendation for promotion is not an indication that your performance and conduct warranted higher marks than you received. Based on the foregoing, the Board found no basis that would warrant a SSB. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting 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,

6/5/2023



Deputy Director

Signed by: 