



chain of command and was advised to attempt communication with the RS again, to which the RS responded and provided a favorable endorsement for modification of the fitness report. As evidence, you provided the favorable endorsement from your former RS, correspondence with the reviewing officer and RS, and the IG complaint and response.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that the PES Manual provides that grades are earned by displayed efforts and apparent results, and not to attain a perceived fitness report average or relative value. The Board determined that a low relative value and/or dissatisfaction with the relative value is not a basis for the modification of a fitness report. The Board further determined that the requested changes would have a significant impact on other officers of the same grade in the RS's profile. The Board acknowledged the correspondence provided by your former RS and determined that the correspondence was unpersuasive. In this regard, the correspondence did not provide compelling evidence that your markings warrant significant correction. Regarding your request for removal of your failures of selection to the rank of Major, the Board also determined that the evidence is insufficient to conclude that the contested fitness report contributed to your non-selections for promotion. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting modification of the fitness report in question or removal of your failures of selection. 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,

6/28/2023

