



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. 3203-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 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 by the Marine Corps Performance Evaluation Review Board (PERB) and the 1 February 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to modify the fitness report for the reporting period 25 July 2013 to 31 October 2013 by removing the Reporting Senior (RS) markings and comments because, at the time of the report, you and the RS were the same grade. Further, you contend the Reviewing Officer erred by not specifically authorizing the RS to write the report.

The Board, however, substantially concurred with the AO and the PERB decision 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 the established reporting chain appeared transparently doctrinal and/or logical and the RS's duty assignment clearly reflected seniority over your duty assignment. The Board specifically noted the RS served as the platoon commander while you served as a team leader. Further, the Board noted you did not submit any evidence to suggest the RS was 1) not the officer/supervisor closest to you, 2) was not directly responsible for your daily tasking and supervision, or 3) that the RS was not in the best position

to observe your performance and character. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification of the contested 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,

6/6/2023

