



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

█  
Docket No. 3467-23  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 8 June 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 23 April 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 February 2023 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and AO were provided to you on 23 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 did not do so.

The Board carefully considered your request to modify the fitness report for the reporting period 1 September 2019 to 5 January 2020 by removing the reviewing officer (RO) assessment. The Board considered your contentions that the RO violated the Marine Corps Performance Evaluation System (PES) Manual, directing reporting officials not to use comments identifying minor limitations, shortcomings, occasional lapses, or weakness in an otherwise overall positive performance. You also contend the RO comments serve no constructive purpose, foster a zero defect mentality, are most often counseling comments, and are not germane to the overall evaluation.

The Board, however, substantially concurred with the AO and PERB's decision that your fitness report is valid and should be retained as modified. In this regard, the Board noted that the PERB

approved a correction to your record by removing Section K.4, RO comments, “. . . completes tasks with supervision, but still requires time to mature as an NCO leader.” The Board determined that the PERB’s removal of the adverse comment sufficiently addressed the contested error. The Board found the balance of the fitness report valid and determined that removal of the RO’s assessment is unwarranted. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting additional 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,

6/13/2023

