



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

█  
Docket No. 3469-23  
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 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 23 April 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 14 March 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although you were provided an opportunity to respond to the AO, you chose not to do so.

The Board carefully considered your request to modify the fitness report for the reporting period 1 January 2019 to 14 December 2019 by removing the Reviewing Officer's (RO's) comments and comparative assessment. You contend the report is erroneous because the RO did not provide amplifying information explaining his low marks, extremely brief comments, and his comparative assessment that negatively affected your average and did not reflect the directed comments of the Reporting Senior. You further contend the RO never communicated that you were failing to meet his expectations. Lastly, the Board considered your contention the certification of his marks was untimely.

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 Manual guidance. In this regard, the Board noted your petition omits any evidence, beyond your

statement, to suggest your demonstrated performance and conduct warranted higher marks. Absent endorsement from the RO, the Board concurred with the AO that your lack of agreement with the RO's evaluation does not render the report invalid. 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,

6/8/2023

