



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

█  
Docket No. 6850-23  
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 10 October 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 21 July 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 23 May 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 21 July 2023. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to modify the fitness report (Fitrep) for the reporting period 2 October 2018 to 15 July 2019 by changing the following attribute markings from 'C' to 'D' to reflect the Reporting Senior's (RS) endorsement you provided for consideration: "Proficiency," "Effectiveness under Stress," "Initiative," "Setting the Example," and "Judgment." The Board considered your contentions that the above-mentioned attributes that were in hindsight, misinformed and stemmed from a perspective that you did not have the same responsibility as your peers, if only because you were a newly promoted major who was still coming to terms with your footing with Logistics, Plans, Policy and Capability. The RS provided a letter supporting your contentions and further stated that, "[a]fter careful consideration, these actions most certainly deserve a 'D' marking within my RS philosophy for

majors.” You assert that you became aware of this error in 2021, but at the time, you were unaware that the RS or yourself could petition the PERB to correct attribute markings.

The Board, however, substantially concurred with the AO and the PERB decision that the Fitrep 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 the RS adhered to PES Manual guidance when providing appropriate attribute markings based on his assessment of your performance at the time. The Board considered the correspondence provided by your former RS and determined that the correspondence was unpersuasive. Furthermore, the RS’ endorsement, which attempts to alter the narrative as to your performance during the reporting period years later, omits any new information that was unknown at report processing. Moreover, you failed to provide any evidence beyond the RS’ concurrence, that your demonstrated performance was not accurately portrayed in the contested Fitrep. As a result, the Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice, warranting a change to the Fitrep in question. 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,

11/1/2023

