



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

█  
Docket No. 6851-23  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 September 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 5 June 2023 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), and the material you provided in support of your application.

The Board carefully considered your request to include the relative values of the fitness report for the reporting period 15 August 2015 to 1 June 2016 to your Master Brief Sheet (MBS). Alternatively, you request to change the reporting occasion to change of duty (CH) instead of end of active service (EN). If approved, you request to remove all failures of selection. The Board considered that the modification is requested to allow the Reporting Senior (RS) and Reviewing Officer (RO) values to be generated and reflected on the MBS, and to keep in the spirit of the Marine Corps Performance Evaluation System (PES) Manual by ensuring board members select the best and most qualified officers. The Board considered your contention that the PES Manual does not take into account your specific situation. Specifically, you left active duty, entered the Select Marine Corps Reserve (SMCR), and then returned to active duty. You

claim that you find yourself at a competitive disadvantage against your peers because your cumulative scores do not include all of your fitness report values.

The Board, however, substantially concurred with the AO and PERB's decision that your fitness report is valid as written and filed, in accordance with the applicable PES Manual. In this regard, the PES Manual directs the submission of an EN report for all Active Component Marines separating from active duty. Additionally, EN reports are not added to either the RS or RO profile and will not generate a relative value or comparative assessment on the MBS. The Board determined that the EN fitness report was correctly processed upon your transition from active duty to the SMCR. The Board also determined that an exception to policy is not warranted for the purpose of eliminating a perceived competitive disadvantage. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a change to the fitness report in question. Based on the foregoing determinations, the Board found no basis to remove 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,

10/16/2023

