



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. 6860-23
Ref: Signature Date

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Dear █

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 3 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 10 July 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The AO was provided to you on 21 July 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to extend the end date of the fitness report for the reporting period 18 January 2011 to 14 March 2011 and to remove the fitness report for the reporting period 18 January 2011 to 30 April 2011. The Board considered your contention that the fitness report ending 14 March 2011 was not written according to Performance Evaluation System (PES) Manual guidance; specifically, the report covered 46 days, and according to the PES Manual anything under 89 days or less must result in "meaningful observation." In support of your request, you provided correspondence from your former Reporting Senior (RS), in which he claims to have had sufficient observation of your performance to cover the extended reporting period.

However, the Board substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted Headquarters Marine Corps (MMRP-31) corrected your record on 2 April 2021 to remove any overlapping periods of observation. The Board determine that the MMRP-31 correction to your record was sufficient to address any existing issues with the fitness report. The Board also determined your reliance on the PES Manual guidance for minimum observation time is misguided. The minimum observation for a semi-annual fitness report is 31 days or more. As a result, the Board concluded there is no probable material error, substantive inaccuracy, or injustice warranting modification or removal of the fitness reports 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,

10/23/2023

