



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



Docket No. 6863-23
Ref: Signature Date



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 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 31 May 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 modify the fitness report for the reporting period 21 October 2018 to 1 October 2019 by increasing two attribute markings from "E" to "F." The Board considered your contention that the fitness report does not accurately reflect your performance. In support of your request, you provided correspondence from your former Reporting Senior (RS), in which he claims the contested markings were not consistent with your performance and were an administrative oversight.

The Board, however, substantially concurred with the AO and the PERB decision that your fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that your former RS originally assessed your performance and conduct with 14 attribute markings of "E." The Board

determined that the RS correspondence lacked sufficient justification to warrant a substantive change to your record four years after report processing. The Board also determined that any latent changes to increase the relative value of your fitness report would negatively impact other officers of the same grade in the RS's profile. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting modification to the fitness report 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,

10/24/2023

