



asked of you and more. Further, you claim that the redacted witness statements you provided are new information not previously available at the time the fitness report processed and these statements contradicts the Reporting Senior (RS) contention of poor leadership. You also assert that the witness statements demonstrate that the claims made by the RS in the original fitness report have been proven false. Finally, you emphasize that no investigation was ever conducted and had one been done, you assert that your command would have determined your relief was made in error, and that the [REDACTED] comments, which formed the basis of your relief, were inflammatory and unfounded.

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 you were relieved of your duties as Executive Officer due to your leadership style which the RS determined degraded mission accomplishment and created a toxic work environment. Further, the Board noted the [REDACTED] Commanding Officer and the Commanding General, [REDACTED] concurred with the relief. Furthermore, the Board noted that all adverse fitness reports are subject to detailed screening by MMRP-31 prior to acceptance into the official record and determined the [REDACTED] did not introduce new adversity which would require rerouting of the fitness report to you at report processing.

In regards to your contention the fitness report does not contain a factual basis for relief pursuant to the PES Manual, the AO noted that the PES Manual does not specifically require an RS to unequivocally state that a relief is performance or conduct based. The Board noted that your relief for cause was based upon performance related adversity; specifically, your style of leadership which lead to less cohesive command climate and divided the unit. According to the PES Manual, performance related adversity occurs due to shortcomings within the Marine's performance. Those shortcomings include being relieved for cause and not meeting the Reporting Senior's (RS) expectations. The Board noted, too, the Reporting Officials provided sufficient justification and examples describing your shortcomings and the reason he/she decided that you were unable to succeed in your assigned billet. The Board, thus determined that your relief was valid and supported by sufficient evidence. Furthermore, the Board noted you were afforded an opportunity to provide a statement in rebuttal to your adverse fitness report. The Board also noted that you availed yourself of this opportunity and your statement has been included as a matter of record. Therefore, the Board determine that you were afforded all due process rights available to you when issued an adverse fitness report.

Regarding your claim that the redacted witness statements demonstrate the claims made by the RS were proven to be false, the Board determined this is simply conjecture. Moreover, the Board noted that the RS has discretionary authority when determining if a Marine has met his/her expectations in the performance of their duties. Furthermore, the Board determined the reporting chain's adjudication of factual differences was adequate.

In regards to your contention that no investigation was conducted, The Board determined the PES Manual does not require a substantiated investigation to issue an adverse fitness report or for a CO to determine that he/she has lost trust and confidence in a Marine. As a result, the

Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report from your record. 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,

9/26/2023

