



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

█  
Docket No. 6882-23  
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.

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), the 16 May 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division 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 1 June 2020 to 23 June 2021 by modifying the Reviewing Officer (RO) section with the markings and comments provided by your former RO. The Board considered your contention that submission of a 13-month combat fitness report marked as "insufficient" observation by the RO does not sufficiently meet the intent of the Performance Evaluation System (PES) Manual. You claim that the former RO was present for a preponderance of the reporting period and is qualified to act as the RO to provide a more accurate assessment. In support of your request, you provided correspondence from your former RO as well as correspondence from the RO for the contested fitness report.

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 PES Manual guidance. In this regard, the Board noted that the former RO departed from the command 77

days prior to the end of the reporting period. The Board determined the RO of record is valid and your former RO was no longer an authorized reporting official after he transferred from the command. The Board also determined that the PES Manual grants ROs the discretionary authority to determine whether or not their observation of a Marine's performance and conduct is sufficient to provide a fair evaluation. The RO's election not to observe your fitness report was not a violation of the PES Manual. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting modification of 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

