



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. 6883-23
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 applications on 10 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 applications, 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 18 May 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 21 July 2023. Although you were given 30 days in which to submit a response, you chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 June 2022 to 28 February 2028. The Board considered your contention that this fitness report is an academic transfer report due to your failure while you attended the U.S. Naval Test Pilot School. You further contend that while normally non-observed, this fitness report was decided to be observed based on guidance from the Training and Education 2030 manual and, because you had little interaction with both reporting officials, the fitness report contains inaccurate and unjust commentary. You believe there are two phrases in the Section I comments and Reviewing Officer's comments that are out of perspective and unjust as to your failure in Test Pilot School, and these do not accurately represent your why you were terminated from the school.

The Board substantially concurred with the AO and the PERB decision that the fitness report is a valid evaluation for the reporting occasion as it marks your performance and conduct while in an academic environment. However, the Board also concurred that the fitness report, as written, is

not in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted PERB's modification of your fitness report and determined that the corrective action taken was sufficient and, absent this language, the fitness report is valid. The Board thus concluded that your request is lacking in sufficient evidence of a probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report, as amended. 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,

10/30/2023

