



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

██████████  
Docket No. 6885-23  
Ref: Signature Date

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██  
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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 24 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 13 July 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 6 June 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30), and your response to the AO.

The Board carefully considered your request to remove your fitness report for the reporting period 1 June 2021 to 10 June 2022. If approved, your request to remove your failure of selection. The Board considered your statement and contentions that your fitness report contains several anomalies and material error in violation of the Marine Corps Performance Evaluation System (PES) Manual. Specifically, there are laudatory comments that do not match markings, failure to document counseling or inclusion of disciplinary actions to justify lower marks than the previous fitness report, and negative innuendos that likely caused your failure of selection. You also contend that the laudatory statements, "extremely proficient" and all others pertaining to maintaining "mission success for all lines of operations" do not accurately reflect below average markings when compared to your previous fitness report. Further, the markings for 'Performance,' 'Courage,' 'Initiative,' and 'Setting the Example' were lowered from "E" to "D" despite the laudatory comments, and the section I comments do not correlate with the relative value. You claim that the reporting chain was the subject of an Inspector General investigation regarding the command climate.

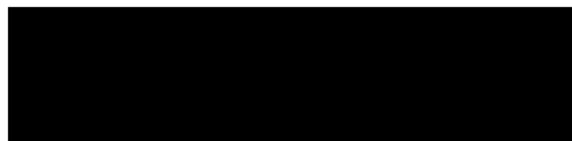
The Board, however concurred with the AO and the PERB decision that, in accordance with applicable PES Manual guidance, the fitness report is valid as modified. In this regard, the Board noted that the PERB approved a correction to your record by removing the Reviewing Officer statement, "With continued work, he has the potential to be a good leader in a field where he already excels." The Board also noted the change in marks from the previous reporting period by the same reporting officials and determined that the PES Manual does not prohibit reporting officials from reducing marks, nor require any justification or disciplinary action to assign lower marks. The Board also determined that your reference to an Inspector General investigation lacked sufficient evidence that the purported investigation invalidated your reporting officials' evaluation of your performance and conduct. The Board acknowledged the correspondence you provided, however the Board determined that correspondence written as recommendations to promotion boards do not constitute endorsements for the requested correction to your record. The Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting further action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your request to remove your failure of selection, the Board found no compelling evidence that the contested fitness report caused you to fail selection for promotion. As such, the Board concluded that your request does not warrant 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,

11/14/2023



Deputy Director

Signed by: 