



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. 7128-23
Ref: Signature Date

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Dear █

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 26 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 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 14 July 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 4 April 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 14 July 2023, and although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 January 2022 to 20 September 2022. The Board considered your contention that the Reviewing Officer (RO) included the statement “. . . with minimal supervision.” You also contend that according to the Marine Corps Performance Evaluation System (PES) Manual, RO comments should not identify minor limitations, shortcomings, occasional lapses, or weakness in an otherwise overall positive performance.

The Board, however, substantially concurred with the AO and PERB’s decision that your fitness report is valid as written and filed, in accordance with the applicable PES Manual. In this regard, the Board noted the complete RO statement, “Hard worker with a bias for action, can work within commander's intent with minimal supervision to complete tasks to a satisfactory level.” After considering the complete statement, the Board determined that the RO statement was not

negative or adverse and did not violate the PES Manual. As explained in the AO, the RO narrative does not appear to overtly document minor limitations, shortcomings, occasional lapses, or weakness in an otherwise overall positive performance. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal 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,

10/3/2023

[REDACTED]

Executive Director
Signed by: [REDACTED]