



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. 7323-23
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 17 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 14 July 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 19 April 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Performance Branch (MMRP-30. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to modify or remove the fitness report for the reporting period 26 May 2022 to 5 January 2023. The Board considered your contentions the Reporting Senior (RS) and Reviewing Officer (RO) have zero counseling documentation to justify the low markings as well as your claim that the RO concurred with the RS while marking you in block "2" of the comparative assessment, which you claim is a contradiction and not a fair, accurate, or just evaluation of your performance and in violation of MCO 1610.7A (PES Manual). Finally, the Board also considered your claim that receipt of commendatory material speaks to your ability to not only "perform all assigned tasks" but to also serve the community.

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 your contention that the comparative assessment is a contradiction, not a fair, accurate, or just evaluation of your performance and determined this is a matter of opinion. The Board also noted that RO

concurrence with the RS evaluation does not infer any corollary gradation metric, nor does it preclude the RO from assessing your performance in the “2” block. Furthermore, the Board also noted the PES Manual does not require the RO to provide justification for a comparative assessment mark in the “2” block. Finally, the Board noted the contested report does not contain any suggestions that the reporting chain intended for the report to reflect adversely. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal or 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,

11/1/2023

