



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

██████████  
Docket No. 8178-23  
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 21 November 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 15 September 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 13 July 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 15 September 2023. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your Fitness Report (Fitrep) for the reporting period 1 January 2019 to 15 July 2019. The Board considered your contentions that according to page 1-5, paragraph c of MCO 6100.13A w/CH2 (Marine Corps Physical Fitness Training Program), Marines injured during the conduct of a physical fitness test (PFT)/combat fitness test (CFT) may be given credit for a partial PFT if two out of three events were completed, or for a partial CFT, if one out of three events were completed prior to injury. Additionally, a Marine injured during the conduct of a PFT/CFT, may be afforded the opportunity to retake a PFT/CFT once returned to full duty by a primary healthcare professional, and for Marines who elect to retake the PFT/CFT, their new score will replace the previous score and is final. You also contend that an Administrative Remarks (Page 11) 6105 counseling entry was not issued or placed into your official military personnel file (OMPF). As evidence to support your contentions, you submitted medical documentation, which documented your injury, your PFT history, and the draft and final Fitreps for consideration.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the Fitrep was procedurally correct as written and filed. In this regard, the Board determined that the RS adhered to PES Manual guidance when issuing you an adverse Fitrep based on your failed PFT. Additionally, regarding your contention that you did not receive a 6105 counseling entry, the Board noted that issuance of a 6105 counseling entry is not a requirement for failing a PFT nor is it required to render a Fitrep adverse. Moreover, the Board determined that you failed to provide any evidence that your medical condition contributed to your PFT failure or that you notified the staff conducting the PFT that you were injured prior to, during the course of, or immediately after the conduct of the PFT. Furthermore, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of sufficient evidence to the contrary, will presume that they have properly discharged their official duties. The Board, in making their decision, acknowledged the evidence you provided and, despite your objections, found your evidence insufficient to overcome this presumption. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice, warranting removal of the Fitrep from your OMPF. 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,

12/15/2023

