



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

██████████
Docket No. 8944-23
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 19 December 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 15 September 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 18 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, and 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 your fitness report for the reporting period 25 March 2021 to 31 December 2021. You argue that you are an Infantry Unit Leader, and according to the Performance Evaluation System (PES) Manual, the Reviewing Officer (RO) must write and grade only from what he personally knows or have gleaned from objective documentation of your performance. You contend your RO's comment, "[a]n effective mortarman, he has room to grow as a leader" is in violation of the PES Manual. You also contend that there was no proper documentation of your performance prior to this fitness report that would deem the markings sufficient. Additionally, the PES Manual cites that in back-to-back reporting periods, if performance remains constant, you should receive the same mark as in the previous fitness report.

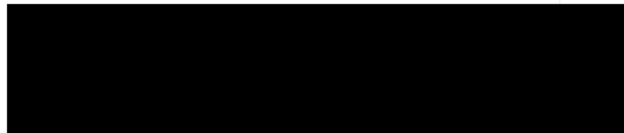
The Board noted the PERB's modification of your fitness report and determined that the corrective action taken to redact "[a]n effective mortarman, he has room to grow as a leader" was

sufficient relief. Regarding your performance markings, the Board determined that the reporting officials adhered to PES Manual guidance when providing appropriate attribute markings and comparative assessment based on their assessment of your performance at the time. Furthermore, you failed to provide any evidence that your demonstrated performance was not accurately portrayed in the contested fitness report and omitted any new evidence that was unknown at the time of processing. 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.

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,

1/18/2024

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Deputy Director

Signed by: 