



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

█  
Docket No. 8951-23  
Docket No. 8954-23  
Ref: Signature Date

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█  
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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 31 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 15 September 2023 decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 21 July 2023 and 24 July 2023 advisory opinions (AOs) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The AOs were provided to you on 15 September 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the fitness reports for the reporting periods 27 March 2018 to 31 December 2018 and 1 January 2019 to 31 December 2019. The Board considered your contention that the fitness reports were rendered adverse, but your official record does not contain documentation that you were placed on the Marine Corps Body Composition Program (BCP).

The Board, however, substantially concurred with the AOs and PERB decisions that your fitness reports are valid as filed, in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. Concerning your fitness report for the reporting period 27 March 2018 to 31 December 2018, the Board noted that the PERB approved a correction to your

record by removing any mention of an assignment to the BCP. The Board also noted that the fitness report was also rendered adverse for failing a scheduled physical fitness test (PFT). The Board found no evidence that the failed PFT was documented in error. The Board determined that the balance of the fitness report is valid as modified by the PERB.

Concerning your fitness report for the reporting period 1 January 2019 to 31 December 2019, the Board noted that the fitness report was rendered adverse because your height/weight/body fat was not in compliance with the Marine Corps maximum allowable standard. The Board determined that your fitness report was not rendered adverse due to BCP assignment and the PES Manual does not require assignment to the BCP for reporting officials to issue an adverse fitness report when a Marine failed to comply with height/weight/body fat standards. The PES Manual directs reporting officials to issue an adverse report when the body fat percentage is greater than the maximum allowed for the Marines age group. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of your fitness reports.

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,

11/3/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]