



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. 8961-23
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 5 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 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 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. 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 4 April 2019 to 18 June 2019. The Board considered your contention the fitness report should not have been adverse because you were promoted to Staff Sergeant (SSgt) prior to the requirement for completion of the █ Course █ to attain the Military Occupational Specialty (MOS) 0369 in accordance with MARADMIN 253/17.

You previously applied for similar relief to this Board and were denied on 11 April 2022.

After careful consideration of your application and review of the entire record, this Board affirmed its previous decision. The Board substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. The Board determined that although you subsequently passed █ there is no PES Manual provision for removal of an academic

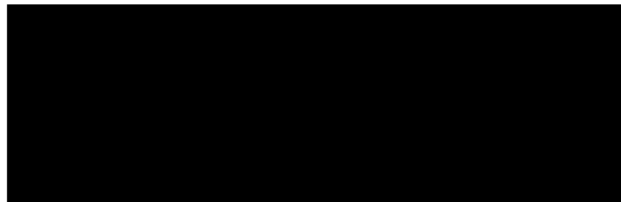
failure by virtue of later completion of the course successfully. Furthermore, the Board noted your request lacked any evidence that the fitness report contained any errors or an injustice.

In regards to your contention that you were promoted to SSgt prior to the requirement to complete [REDACTED] attain the MOS 0369, the Board noted the fact that you possessed the MOS prior to attending [REDACTED] did not obviate the expectation for the successful completion of the course. Moreover, the fact that you were promoted to SSgt prior to attending [REDACTED] does not constitute new information not previously known at report processing. Finally, as noted in the previous Board decision, applicable PES Manual guidance in effect at report processing it requires “comments identifying academic failure in an MOS related follow-on school or an academic or leadership failure at a PME course of instruction in the Section I comments.” 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.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken. 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,

1/10/2024

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