



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



Docket No. 8964-23
Ref: Signature Date



Dear [REDACTED],

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 13 October 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 16 June 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 13 October 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 12 June 2021 to 31 March 2022. The Board considered your contentions that the marks are unjust because they do not reflect or characterize your performance throughout the entirety of the reporting period. You do not believe that the reporting senior's (RS) comments match with the characterization of your performance and that there is no foundation for the low markings. You assert that the overall characterization of your performance places undue weight on the singular event used to justify your relief at the cost of clearly and justly articulating the positive efforts made and realized throughout your eight months in command.

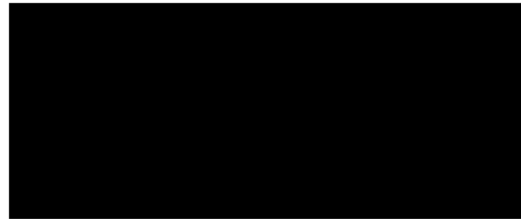
The Board, however substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the fitness report is procedurally correct as written and filed. In this regard, the Board determined that the RS adhered to PES Manual guidance when issuing you the directed adverse fitness report due to

poor judgment on your behalf. The Board further determined the RS provided you the appropriate attribute markings and Section I comments based on the adverse nature of the fitness report and his relevant assessment of your performance at the time, all which was concurred with by the Reviewing Officer. 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 further noted your rebuttal statements in response to the adverse nature, however determined that the [REDACTED] [REDACTED] appropriately adjudicated the differences. The Board thus concluded that your request is lacking sufficient evidence of a probable material error or an injustice that would warrant removal of your 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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