



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

██████████  
Docket No. 8965-23  
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 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 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 16 August 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 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your fitness report for the reporting period 2 May 2021 to 26 May 2022. The Board considered your contentions that the markings are unjust and below the markings for the performance in this period. You claim that you attempted to reach out to the reporting senior (RS) for counselings as to why the marks are so low, however he has not responded to your multiple requests via e-mail and telephone calls. You believe that the evidence will show a trend of your performance before and after the RS's evaluations on this fitness report. Particularly, before this RS, you were the number one

Gunnery Sergeant for two separate Commanding Officers for a four-year period. During this period, you were also marked in the "8" block of the comparative assessment and remained there for four years. You state you are now a Career Recruiter and fitness reports of this caliber do not come by without hard work. As evidence to support your contentions, you provided all your fitness reports 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 providing appropriate markings based on his assessment of your performance. Moreover, the Board determined that you failed to provide any evidence that your demonstrated performance was not accurately portrayed in the contested fitness report, or that the RS acted maliciously against you in writing the fitness report to his benefit or to harm your career. 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 official military personnel file.

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

