



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

██████████
Docket No. 8971-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. 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 11 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 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 modify your fitness report for the reporting period 2 August 2017 to 30 June 2018 by changing 'H1' attribute marking, "Evaluations," from 'D' to 'E.' The Board considered your contentions that the correction should be made to accurately reflect your performance, recalculate the relative value, and provide you the best opportunity for competitive opportunities and career advancement. In support of your contentions, you provided a favorable memorandum from your reporting senior (RS).

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 noted that the PES Manual provides that grades are earned by displayed efforts and apparent results, and not to attain a

perceived fitness report average or relative value. The Board determined that a low relative value and/or dissatisfaction with the relative value is not a basis for the modification of a fitness report. The Board further determined that the requested change would have a significant impact on other officers of the same grade in the RS's profile. The Board acknowledged the correspondence provided by your former RS and determined that the correspondence was unpersuasive. In this regard, the correspondence did not provide compelling evidence that your marking warrants significant correction. The Board thus concluded that your request is lacking in sufficient evidence of a probable material error, substantive inaccuracy, or injustice warranting modification 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

