





unable to report to work in ideal conditions to keep others safe.” The Board also considered your contention the Reporting Senior (RS) was not the first commissioned or warrant officer in your reporting chain that was senior to you. Further, you contend the RS had no supervision over your daily duties and tasks, was unaware of your illness as a result, and failed to observe how the COVID diagnosis impacted execution of the semi-annual CFT and Height/Weight measurement requirement.

The Board, however, substantially concurred with the AO and the PERB decision the report is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board noted your petition lacks medical information, beyond your initial diagnosis, that your diagnosis of COVID-19 resulted in any debilitating side effects or that it inconvenienced you in any manner or capacity. In fact, the Board noted your statement in response to the adverse fitness report places the “blame” on you because you attempted to schedule the requirements but “since [you] work a shift schedule in a Joint Environment away from the Marine Element, [you were] unable to complete [your] CFT or Height and Weight in a timely manner.” In your statement, you recognize that “this is far below expectations of a Marine Officer.” The Board also noted the five months of the semi-annual period preceded your December 2021 COVID-19 diagnosis. Lastly, the Board substantially concurred with the AO’s discussion regarding your RS, noting the RS of this challenged report processed three other fitness reports on you for the same duty assignment, to include the preceding and subsequent fitness reports. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested fitness report. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

2/5/2024

