



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

█  
Docket No. 9362-23  
Ref: Signature Date

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Dear █

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 case on its merits. 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 the 17 October 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). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your fitness report for the reporting period 23 November 2017 to 1 April 2018. The Board considered your contention that you were the subject of a "welcome aboard" fitness report and that it should have been not-observed due to holiday, leave, and non-reporting days resulting in less than 89 days of observed time. The Board also considered your request to review the subsequent fitness report ending in 31 May 2018, written by the same reporting officials, for comparison and reaching a conclusion whether to remove the contested fitness report.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted you provided insufficient evidence to determine that the contested fitness report constituted a welcome aboard

performance evaluation. Moreover, the Board noted the fitness report does not include any overt suggestion of welcome aboard maliciousness. In regards to your contention that the fitness report would have been less than 89 days of observed time, the Board noted the interim period between transfer and join encompassed 27 days, less than the 30 consecutive days required to constitute a formal period of non-availability. Further, the Board noted the period of performance less the period you claim as non-availability is in excess of 100 days. Finally, regarding your assertion that the Board should consider your subsequent fitness report when determining if the relief is warranted, the Board determined the increased gradation metrics for the subsequent fitness report is based on an additional 12 months observation time and does not invalidate the contested fitness report. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

1/19/2024

