



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

█  
Docket No. 9371-23  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 27 July 2023 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The AO was provided to you on 17 October 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 carefully considered your request to modify the fitness report for the reporting period 1 June 2018 to 26 June 2019 to correctly reflect commendatory material, billet description, major billet accomplishments, and Reporting Senior (RS) recommended comments. The Board considered your contention that the errors on the fitness report have unjustly impacted your career with lasting implications. You also contend that this was the RS's first Marine Corps fitness report, the RS erroneously omitted major billet accomplishments, did not give each attribute mark the proper weight and value, and missed the totality of your performance when compared to your peers. You claim that the RS acknowledged a lack of fitness report counsel and support. You also claim the errors stemmed from a misunderstanding on classification on disclosure agreements on what could and could not be included to avoid aggregation of sensitive

information. You further claim that the “only counseling I ever received from the RO was to clarify his acknowledged I did not work for him.”

The Board, however, substantially concurred with the AO and PERB’s decision that your fitness report is valid as written and filed, in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted the correspondence provided by your RS; however, the Board was not persuaded. The Board also noted that the Reviewing Officer was a Marine; he/she reviewed the RS portion of the fitness report and concurred with the RS’s assessment of your performance and conduct. The Board concurred with the AO that the requested corrections excessive and determined that there is no evidence that the fitness report unjustly impacted your career. Moreover, the Board found no evidence that the fitness report was not based on a fair evaluation of your performance and conduct at the time of processing. The Board thus 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,

12/8/2023

