



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

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Docket No. 9373-23
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 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 12 July 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 modify your fitness report for the reporting period 16 June 2018 to 28 November 2018 by changing the Reporting Senior (RS) markings for leadership from a "C" to a "D." The Board also considered your request to remove all failures of selection to the grade of Lieutenant Colonel. The Board considered your contention that the RS, who provided an advocacy letter with explanation, intended to mark you in the middle third of his profile, but inadvertently marked you in the bottom third of his profile. You assert that this change to your record is needed to correctly reflect your performance during the reporting period, and would result in a more competitive brief on the next promotion selection board.

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 your petition centers on low

relative value and profile placement, which are not valid reasons for modification of an established fitness report. Further, the Board noted your request does not constitute new information not previously known at processing based upon the RS established profile at report processing. Finally, the Board determined a request for substantive correction to an established fitness report to improve promotion viability does not constitute grounds for relief. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action to your fitness report or removal of any failures of selection. 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

