



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

██████████
Docket No. 5905-23
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.

A three-member panel of the Board, sitting in executive session, considered your applications on 19 September 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 20 June 2023 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 3 April 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 20 June 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 remove the fitness report for the reporting period 1 June 2022 to 16 December 2022. The Board considered your contention that Section I comments are inaccurate as well as the change of reviewing officer (RO) from what you were briefed by your command for the reporting period. You further contend that as Section I comments state, your billet changed constantly on deployment and you asked for a billet description and initial counseling multiple times, and your reporting senior (RS) consistently acknowledged he was overdue on providing them, however, never gave you guidance. Regarding an inaccurate Section I comment, it states that you performed a partial combat fitness test (CFT) due to being on "partial limited duty" however, you assert you were on light duty at the time. As evidence to support your contentions, you provided the CFT Performance Worksheet for consideration that notes you ran a partial CFT.

The Board noted the PERB's modification of your fitness report and determined that the corrective action taken was sufficient. Regarding your contention that the RO was changed and you were not formally counseled, the Board concurred with the AO and noted that the RO was the same RO for the preceding fitness report for which you performed the same duties. Moreover, formal counseling is not required in accordance with PES Manual guidance. The Board thus concluded that in light of the PERB's action, your request is lacking in sufficient evidence of a probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report from your official military personnel file.

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,

10/2/2023

