



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

██████████  
Docket No. 5959-23  
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 application on its merits. 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 24 March 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 20 April 2019 to 9 September 2019. The Board considered your contentions that while the fitness report covers 143 days, the reporting senior (RS) assumed command on 7 June 2019, 45 days into the reporting period, which accounts for approximately half of your major billet accomplishments, and as a result of the RS not being present for the first 49 days, this fitness report is a misrepresentation of the RS's ability to accurately evaluate your performance for the entire period. You believe this is in violation of the Performance Evaluation System (PES) Manual in that the fitness report was not generated to reflect a change in RS for the period 20 April 2019 to 7 June 2019, the first 49 days.

The Board noted the PERB's modification of your fitness report and determined that the corrective action taken was sufficient, further noting that the addition of the language to reflect the RS's period of non-availability for the noted 49 days is appropriate and thus does not warrant removal of the contested fitness report. 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

