



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

[REDACTED]
Docket No. 3660-16

JUN 27 2017

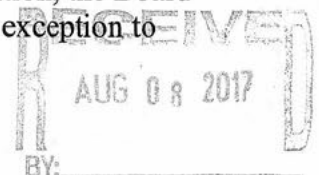
[REDACTED]
Dear [REDACTED]


This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC §1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2017. 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, your naval record and applicable statutes, regulations and policies. The Board also reviewed the advisory opinion provided by Headquarters Marine Corps memorandum 1610 MMRP-13/PERB dated 19 April 2017 ("AO"), which was sent to you on 19 April 2016 for an opportunity to comment prior to being considered. After the 30 day period for comment expired without a response, the case was presented to the Board.

On 16 July 2010, you received a transfer (TR) fitness report due to changing duty assignments. Soon thereafter you were promoted to your current grade. On 12 February 2016, you submitted a request to the Performance Evaluation Review Board (PERB) for the fitness report in question to be amended. On 19 April 2016, the PERB denied your request.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. You requested to have your fitness report be amended to reflect "not observed" vice "observed". You asserted that the report must be 90 days or longer, you must have meaningful contact with the Reporting Senior (RS), and comments should be listed in the Section I indicating the reasoning for the exception to policy. The Board substantially concurred with the comments contained in the AO. The Board concurred that the fitness report was a significant and fair assessment. Both of your reporting officials were your reporting officials for the previous report which shows they know your potential and work ethic. In addition, the Board concurred that the RS's failure to identify the reason why he was invoking the exception to





Docket No. 3660-16

policy on why the fitness report is less than 90 days, does not invalidate the report or support its removal from your Official Military Personnel File (OMPF). Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon submission of new evidence. New evidence is evidence not previously 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,


Executive Director