



DEPARTMENT OF THE NAVY

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

Docket No: 5008-17

FEB 02 2018

Dear

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

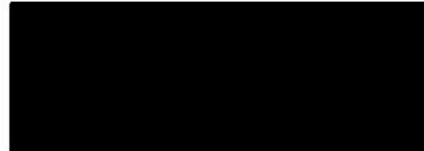
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 January 2018. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative 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. The advisory opinion (AO) provided in Headquarters, Marine Corps Memorandum 1610 MMRP-13/PERB dated 31 May 2017 was sent to you on 31 May 2017 for an opportunity to comment prior to being considered by the Board (enclosed). Your rebuttal statement was received on 5 July 2017.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your desire to remove the fitness report for the reporting period 1 June 2015 to 17 June 2016 from your Official Military Personnel File (OMPF). The Board considered your contentions that the fitness report was not adjudicated in accordance with the Performance Evaluation System (PES) Manual, that there was never a single instance of communication from the Reporting Senior, Reviewing Officer, or General Officer Sighter prior to the submission of the fitness report and that you never met the Reviewing Officer therefore his review should not be marked sufficient. The Board also considered your rebuttal statement. The Board significantly concurred with the AO and concluded that you did not sufficiently substantiate the existence of an error or injustice. The Board determined that the removal of the fitness report is not warranted. 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 the submission of new and material 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director