



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

[REDACTED]
Docket No: 5838-17

DEC 26 2017

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USMC,
XXX XX [REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) MCO P1610.7

Encl: (1) DD Form 149
(2) Fitness Report (FITREP) for the period 20120502 to 20120622
(3) Reporting Senior letter of 20 Dec 16
(4) MMRP/PERB Memo of 19 Jun 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, filed enclosure (1) with this Board requesting that his naval record be corrected by either (a) in Section K-3 (Comparative Assessment), match the assessment in sections D through I and the Section K-4 comments, (b) remove Section K-3, or (c) make other appropriate actions to address the injustice for the fitness report (FITREP) covering the period 2 May 2012 to 22 June 2012. Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 November 2017, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of the Petitioner's naval records, and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion (AO) provided by Headquarters Marine Corps (MMRP-13/PERB) Memorandum dated 19 June 2017.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The record reflects that the Petitioner was issued a Change of Reporting Senior (CH) FITREP for the reporting period 2 May 2012 to 22 June 2012. See enclosure (2).

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c. The Petitioner contends that the FITREP appears to be in violation of the Performance Evaluation System (PES) Manual. Also, during a counseling session with MMRP-50, it was highlighted that the Reviewing Officer's assessment was in violation of the PES Manual and adversely effected his selection to Major on the FY18 Majors Board.

d. Reporting Senior recommended adjusting the Section K relative assessment to match the word picture, or to consider the Reviewing Officer's portion to be non-observed. See enclosure (3).

e. Enclosure (4) states in part, that the Petitioner failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting the modification of the FITREP and opined that the contested FITREP should remain a part of the Petitioner's OMPF.

CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of enclosure (3), that the Petitioner's requests warrants relief. In this regard, the Board concludes that Section K of the FITREP covering the period 2 May 2012 to 22 June 2012 should be removed; Therefore, rendering the Section K as non-observed.

In view of the above the Board directs the following corrective action.

RECOMMENDATION:

Petitioner's naval record be corrected by removing Section K of the FITREP covering the period 2 May 2012 to 22 June 2012.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

[REDACTED]

Recorder

5. The foregoing action of the Board is submitted for your review and action.

[REDACTED]

Executive Director

Reviewed and Approved/Disapprove: [REDACTED]

11/17/2018