



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

[REDACTED]
Docket No: 8774-19
Ref: Signature Date

Dear [REDACTED]

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found that the evidence submitted was 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 application on 3 November 2020. 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, as well as the 13 September 2019 advisory opinion (AO) furnished by the Marine Corps Performance Evaluation Review Board (PERB). The AO was provided to you on 13 September 2019, and you were given 30 days in which to submit a response. When you did not provide a response, your case was submitted to the Board for consideration.

The Board carefully considered your request to remove your fitness report for the reporting period 1 January 2018 to 7 January 2019 or alternatively you request to modify your fitness report by removing your reporting official's adverse material and comments. The Board considered your contentions that the Command Physical Training Representative informed you that you needed to take the Physical Fitness Test (PFT) that day and would be able to attempt the PFT the following day if you were not satisfied with your score. You also contend that you did not receive a 6105 counseling entry, your reviewing officer (RO) statements seemed targeted and emotions, and the Third Officer Sighter (TOS) comments were inaccurate when stating that "A failure in any of the PFTs renders the report adverse." You claim that you were feeling ill the morning of your PFT, you were unable to seek medical attention because the battalion aid station was closed, and your Sergeant Major agreed that you would run a PFT the following day. As evidence, you furnished correspondence from your reporting senior (RS).

The Board, however, substantially concurred with the AO that your fitness report is valid and should be retained as filed. In this regard, the Board noted that your contested fitness report was rendered adverse for failing the crunches portion of your PFT. The Board also noted that the Marine Corps Physical Fitness Program Manual provides that a PFT failure renders a fitness report adverse, the failure will be addressed within the reporting period which it occurs regardless of performance on a more recent PFT, and a page 11 counseling entry is only required when a Marine has failed consecutive PFTs. The Board determined that medical consideration in your case is not authorized because you were not injured during your PFT and you did not exercise your right to declare your medical condition prior to participating in the PFT. The Board noted, too, the correspondence from your RS, however, the Board determined that your RS properly cited your PFT failure as adverse and your RO and the TOS properly adjudicated your fitness report. The Board thus concluded that there is no probable material error or injustice warranting corrective action.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/11/2020

[REDACTED]
Deputy Director
Signed by [REDACTED]