



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

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Docket No: 11627-19
Docket No: 0548-21
Ref: Signature Date

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Dear █

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.

A three-member panel of the Board, sitting in executive session, considered your application on 2 February 2021. 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 9 December 2019 advisory opinions (AOs) furnished by the Marine Corps Performance Evaluation Review Board (PERB). The AOs were provided to you on 9 December 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 modify your fitness report for the reporting period 2 September 2016 to 31 May 2017 by changing your report to be not observed, or to remove your fitness report. You also request to modify your fitness report for the reporting period 1 June 2018 to 13 June 2019 by changing section K (Reviewing Officer observation) of your report to 'insufficient'. The Board considered your contentions that the modified reporting chain did not meet the intent of the Marine Corps Performance Evaluation System (PES) Manual. You also contend that your section I comments contradict the attribute marks and your low relative value conflicts with the reviewing officer (RO) comparative assessment. You claim that your reporting senior (RS) served as both the operations officer (OpsO) and executive officer (XO) during the reporting period, then as the commanding officer (CO) after your CO (original RS) was relieved. You also claim that your section I comments indicate that your performance was at least average if not above average.

Concerning your fitness report for the reporting period 1 June 2018 to 13 June 2019, you contend that you only had one interaction with your RO and your RS and RO marks do not complement each other. You also contend that your RO statement, “. . . is a committed officer who has worked to overcome adversity” is in error because your record does not contain any adverse material.

The Board, however, substantially concurred with the AO in that your fitness reports are valid and should be retained. In regard to your fitness report for the reporting period 2 September 2016 to 31 May 2017, the Board noted that the your original RS was relieved at the time your fitness report was due, therefore, the Commanding General, █ (CG █) modified your reporting chain, as he was authorized to do according to the PES Manual. The Board determined that your RS was best situated to observe your fitness report, he had sufficient observation of your performance, and as the XO and CO he was in your chain of command. The Board also determined that the PES Manual does not provide a scale to match attribute marks, relative values, or comparative assessments with section I comments.

Concerning your fitness report for the reporting period 1 June 2018 to 13 June 2019, the Board noted that the PERB approved correction to your record by removing your section K statement, “. . . is a committed officer who has worked to overcome adversity and continues to make an impact on the broader Marine Corps.” The Board determined that the PES Manual does not require RO’s to be geographically located with Marines they are evaluating. In your case, the Board determined that, as CG █, your RO had substantial experience reviewing numerous reports of geographically dispersed Marines. Moreover, the perceived competitiveness of a report’s relative value or comparative assessment is not a basis to modify or remove your fitness reports. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

2/12/2021

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Deputy Director

Signed by: █