



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. 1600-24
Ref: Signature Date

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Dear Petitioner:

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 21 March 2024. 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 7 February 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 8 December 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although you were provided an opportunity to respond to the AO, you chose not to do so.

The Board carefully considered your request to remove the annual fitness report for the reporting period 27 August 2021 to 31 March 2022. You contend the report should be removed because you were pregnant and erroneously placed on the Body Composition Program (BCP), as supported by your Commanding Officer's (CO's) 29 July 2022 letter. You further contend pregnant Marines are exempt from height/weight requirements per MCO 5000.12F.

The Board, however, substantially concurred with the AO and the PERB decision the report is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board noted your failed weigh-in, which is reflected in block 8 of the contested fitness report, preceded your diagnosed date of conception by nearly a month. The Board further considered the CO's determination the BCP assignment was erroneous but, after a thorough review of the contested report, noted the report does not make reference to the BCP assignment and concluded the report accurately reflects that you were not within height/weight/body fat standards during the reporting period. As a result, the Board concluded

there is insufficient evidence of an error or injustice warranting removal of the contested fitness report. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

4/9/2024

