



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. 1601-24
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 30 January 2024 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 modify or remove the grade change fitness report for the reporting period 30 November 2022 to 1 June 2023. You contend the report should be modified to reflect “non-observed” by the Reporting Senior (RS) or removed because its cumulative relative value was 80.00. You contend the RS stated you were “killing it” and you earned personal awards after volunteering for a deployment. As supporting documentation, you also submitted copies of text messages between yourself and the RS wherein he explained “the difference between you and [his] high is very close. Any board will look at that and not the percentage. The percentages do not carry any weight.”

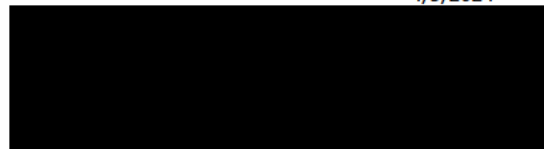
The Board, however, substantially concurred with the AO and the PERB decision the report is valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board noted you were one of three Gunnery Sergeants the RS had reported on at the time of processing, giving the RS a very immature profile. The Board substantially agreed with the AO’s explanation that a “statistical derivation of a relative value

requires three fitness report to generate a statistical high, low, and mean/average.” Therefore, with such an immature profile of three total Gunnery Sergeants, “one of those Marines will be the 80% RV.” The Board also noted you provide no justification for why the report should be considered non-observed and concluded the report should not be modified because the period of time covered by the report did not warrant a non-observed report. As a result, the Board concluded there is insufficient evidence of an error or injustice warranting removal or modification 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,

4/5/2024

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Deputy Director

Signed by: 