



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

█  
Docket No. 1609-24  
Ref: Signature Date

█  
█  
█  
  
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 27 November 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although you were provided the 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 31 December 2020 to 31 December 2021 and, if able, to remove the Body Composition Program (BCP) information listed in Marine Online. You contend the report should be removed because your previous unit failed to properly document the 10 December 2021 weigh-in and assignment to BCP in your electronic training jacket or in an Administrative Remarks (Page 11) counseling entry. Further, you contend the lack of documentation shows inaccuracy in your Official Military Personnel File that promotion boards may look at negatively, resulting in you “being passed over for promotion” to Gunnery Sergeant.

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 (PES) Manual guidance. The Board noted section 6 does not indicate you were the “subject of” derogatory material during the reporting period. However, section 8 does reflect you were not within height/weight/body fat standards during the reporting period, a fact you did not deny in

your statement included within the contested report, which the Board concurred was the underlying adversity of the report. The Board, substantially concurring with the AO, determined the PES Manual does not specifically stipulate that an official weigh-in be entered into Marine Corps Total Force System in order to render a fitness report adverse. The Board also noted that assignment to the BCP does require a Page 11 entry but concluded the lack of a Page 11 entry was harmless error because the challenged report does not reference a Page 11 entry nor does the PES Manual require one in order to render a fitness report adverse. Finally, the Board found no basis to remove your BCP information from Marine Online based on your admission that you were out of standards. As a result, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested fitness report or modification of your record. 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

