



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

█  
Docket No. 2844-24  
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 16 April 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report for the reporting period 20 January 2022 to 8 March 2022. The Board considered your contention that, according to the Marine Corps Performance Evaluation System (PES) Manual, "Reporting Officials must give the MRO an opportunity to comment on all adverse material" and the "Transfer of either the MRO or the RO is not a valid reason for failing to show the report to the MRO." You also contend you were not properly notified, counseled, or given an opportunity to comment on the adverse fitness report. You claim the reporting officials informed you the fitness report would not be adverse due to potential underlying medical circumstances. However, Headquarters Marine Corps directed the Reporting Senior (RS) to make the fitness report adverse. You also claim you were amid Permanent Station Change leave and not yet assigned to your future command.

You previously applied to this Board for removal of the fitness report and were denied on

27 April 2023. As part of the previous Board's decision, it considered the decision from Marine Corps Performance Evaluation Review Board (PERB), and the advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30); copies of which you were provided for comment.

The Board, however, substantially concurred with the previous PERB and Board decisions that your fitness report is valid as written and filed in accordance with the applicable PES Manual. In this regard, the Board noted that your contested fitness report was marked adverse due to your failure to meet Marine Corps height and weight standards. The Board also noted the RS's Section I comments that he verified your height and weight information, you and your parent command were notified of the adverse fitness report, and you were notified and counseled on the adverse fitness report but refused to sign. The Board determined that your RS properly justified the basis for the adverse fitness report. The Board found no evidence invalidating the underlying basis for adversity and you provided none. The Board also determined that even if you had provided a rebuttal, you have not provided any factual differences. Moreover, nothing in your petition disputes the fact that you were not within height and weight standards during the reporting period. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the 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,

5/1/2024

