



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

█  
Docket No. 3429-24  
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 30 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, as well as the 18 March 2024, decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 13 October 2023 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to modify the fitness report for the reporting period 1 June 2022 to 31 May 2023 by removing the Section K statement, "Comparative assessment decrease from last report reflects unit performance on multiple inspections" and the comparative assessment mark. The Board considered your contention that the Reviewing Officer (RO) made vague references to unit-level events without qualifying the outcomes or connecting these outcomes to your performance. You also contend that, according to the Marine Corps Performance Evaluation System (PES) Manual, "comments identifying minor limitations, shortcomings, occasional lapses, or weakness in an otherwise overall positive performance" are unacceptable and "these comments serve no constructive purpose, foster a zero-defect mentality, are most often counseling comments for the MRO, and not germane to the overall evaluation."

The Board, however, substantially concurred with the PERB's decision that your fitness report is valid as modified in accordance with the applicable PES Manual. In this regard, the Board noted that the PERB approved a correction to your record by removing the Section K statement,

“Comparative assessment decrease from last report reflects unit performance on multiple inspections. Nonetheless...” The Board determined that the PERB’s corrective action sufficiently addressed your contentions regarding the Section K comments. The Board found the remaining comments complementary and in accordance with regulations. The Board also determined that ROs have the discretionary authority to increase or decrease comparative assessment marks based on their evaluation of a Marine’s performance during that reporting period. In your case, the RO determined that your performance was not consistent with the last reporting period and was not required to justify the basis for the comparative assessment mark. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting additional corrective action. 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,

5/17/2024

