



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. 3456-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 May 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 by the Marine Corps Performance Evaluation Review Board (PERB) and the 20 February 2024 Advisory Opinion (AO) provided to the PERB by the Performance Evaluation Section (MMPB-23).

The Board carefully considered your request to modify the transfer fitness report for the reporting period 1 November 2005 to 3 February 2006 by updating the Reviewing Officer's (RO's) comparative assessment from the "4" block to the "7" block. You contend the RO "mistakenly, and admittedly, marked [you] lower on the second back-to-back report without justification." You further contend that if not corrected, the error "will place [you] at an extreme disadvantage by signaling to future boards a degradation in performance." In support of your contentions, you submitted a letter from the now-retired RO, who has "had the opportunity to review [his] RO comparative assessment," explaining that the comparative assessment was "an obvious oversight and not representative of any performance shortcomings."

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 the lack of timeliness for your request to modify the RO's

comparative assessment. Specifically, there is no indication you sought clarification on the report when you received it in 2006. Further, the Board noted the AO's discussion of your "successful screening and selection on six or more Commandant Sponsored Boards" since the issuance of the contested report. Lastly, the Board noted you and the RO requested modification to block "7" but failed to justify the leap from block "4." Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting the requested modification to the contested fitness report.

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,

6/4/2024

