



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. 3457-24
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 14 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 27 November 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 did not.

The Board determined that your personal appearance, with or without counsel, would 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 your fitness report for the reporting period 1 May 2022 to 30 September 2022. The Board considered your contention that the fitness report was marked "insufficient" in Section K, despite the period of performance covering over 5 months which gave you back-to-back not observed fitness reports prior to the promotion board. You also assert that you attempted to find a Reviewing Officer (RO) that would write an observed fitness report prior to the promotion board and that you received mentorship from a Marine Colonel concerning the process for removal.

The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the AO noted that the fitness report is not rendered invalid simply because the RO marked Section K.1 as “insufficient” in the case of a 5-month period of performance. Further, the AO notes pursuant to the PES Manual, the RO must indicate whether or not he or she had sufficient knowledge and observation of the Marine Reported On to effectively complete items 2 through 4 of section K and does not levy any minimum observation requirements on a RO. Furthermore, the Board noted removal of the fitness report in its entirety, would not gainsay any forecasted advantage based on the requested relief. Moreover, the reporting chain is not determined by any applicability to a forthcoming promotion board and is assigned based on doctrinal/supervisory relationships. Finally, the Board noted you omitted any facts not previously known at report processing, a requirement for substantive correction per policy, nor any evidence of error or injustice with the Reporting Senior evaluation, further diminishing the argument for report removal in its entirety.

Finally, regarding your assertion that you received guidance from a Marine Colonel concerning your request for the reports removal and his comments which provide context and support for your request, the Board noted he was not in your chain of command or in the reporting chain of the fitness report and his endorsement essentially validates the fact that the RO did not have sufficient observation of you during the reporting period. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting 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,

5/29/2024

