



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

█  
Docket No. 3733-24  
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 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 14 February 2024 Advisory Opinion (AO) provided to the PERB by the Performance Evaluation Section (MMPB-23).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined 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 change in status (CS) fitness report for the reporting period 27 May 2022 to 31 May 2023 because it contains unjust and inaccurate markings and looks like a “velvet dagger, designed to impugn [your] reputation and end [your] career progression.” Specifically, you contend the Reporting Senior’s (RS’s) markings “reflect a near-adverse performance during the reporting period” by simply marking straight “B’s” without giving any thought to each category, resulting in a report which is in “direct contradiction to the nature and character of [your] performance during [the] reporting period.” You further contend the RS used a preliminary inquiry -- conducted during the reporting period that resulted in “no findings of misconduct and no adverse actions taken against [you]” -- to justify marking you at “the extreme low end of the markings.” Additionally, you point out that the markings are “a total deviation from any of [your] previous [fitness reports] throughout [your] career.” Lastly,

you contend the assigned Reviewing Officer (RO) did not inform you that he was planning on a non-observed marking and, if you had been informed, “[you] could have identified a more suitable RO” because “[g]iven the nature of [your] assignment, [you] had multiple supervisors or senior officers that sufficiently observed [your] performance.”

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 concurred with the AO’s statement the RS comments were muted, devoid of innuendo, and supported by the attribute markings in sections D-H. The Board also concurred with the AO’s explanation that a RO is not required to justify his decision to observe or not observe and further, that you, as the Marine Reported On, do not make the determination as to who is best positioned to be your RO. Lastly, the Board noted you provided no evidence, except your personal statement, to support your contentions. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of 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

