



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

█  
Docket No. 3735-24  
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.

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 4 October 2023 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30).

The Board carefully considered your request to modify<sup>1</sup> the transfer fitness report for the reporting period 1 June 2016 to 23 June 2017 because the report was inaccurately marked by the Reporting Senior (RS). Specifically, you contend the RS only recently noticed he was using a different tracker to manage his profile which caused him to erroneously mark you lower than "he thought he did." In support of your request for relief, the RS provided a memorandum requesting modification to the markings for "Decision Making Ability, Judgment, and Evaluation." Rather than the "D," "D," and "C" he originally marked, the RS requested the attributes be changed to "E," "E," and "D" respectively because your "performance across these attributes certainly deserves" these markings.

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<sup>1</sup> Although you did not specifically state the desired modifications, the Board presumed you wanted the modifications noted by the RS in his memo of 22 July 2023.

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 discussion of lack of timeliness. The Board also noted the absence of concurring comments from the Reviewing Officer who indicated on the contested report that he concurred with the RS's evaluation. 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

