



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. 6271-24
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 June 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 13 May 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 29 March 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23).

The Board carefully considered your request to remove the Reserve Training (RT) fitness report for the reporting period 13 June 2013 to 29 June 2013 or make the report “not observed” for both the Reporting Senior and Reviewing Officer¹. You contend the minimum amount of observation time for active duty fitness reports is 89 days with a few exceptions qualifying for 31 days. Therefore, you contend that since an active duty Marine will never have a reporting occasion less than 31 days but a Reserve Marine will, a Reserve Marine that permanently transitions to Active Duty through the Return to Active Duty (RAD) board is disadvantaged in comparison to other Active Duty Marines on Active Duty boards. By removing the RT reports for RAD Marines, you contend the “playing field” will be leveled, “leading to longer retention of RAD Marines so they can fill the manpower deficiencies that made their transition necessary.”

¹ If the Board granted relief, you requested removal of your failures of selection for promotion to the next grade.

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 (PES) Manual guidance. The Board noted the contested report is completely proper and required by the PES Manual. Further, there is no provision in the PES Manual for deleting fitness reports due to component change from Selected Marine Corps Reserve to active component. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the contested fitness report or modification to reflect “not observed.” 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,

7/5/2024

