



**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. 6340-24  
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 25 July 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 9 April 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were provided an opportunity to respond to the AO, you chose not to do so.

The Board carefully considered your request to “redact/omit” the Reporting Senior (RS) attribute markings and Section I comments from the contested Grade Change (GC) fitness report for the reporting period 1 May 2023 to 1 August 2023. If the requested relief is “not possible,” you requested “the entire report be redacted/omitted to further bolster promotion and retention.” You contend the report is unjust because the RS did not accurately reflect your performance as required by the applicable Performance Evaluation System (PES) Manual. Specifically, you contend the RS markings were not justified by derogatory material or disciplinary actions and “personal biases” led to the inaccurate markings. Further, you contend the Reviewing Officer’s (RO’s) ratings and comments add validity to your contentions the RS markings were inaccurate because the RO marked “d[o] not concur” and ranked you as “one of the few exceptionally qualified Marines.” Additionally, you contend you “met and exceeded [your] given billet description, as documented in [your] billet accomplishments, and backed by [the RO] comments.” Lastly, in block 18 of the DD Form 149, you note the “given, inaccurate RS ratings can affect [your] desire to remain in service past retirement eligibility.” Noting it wasn’t “an

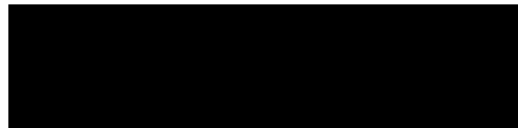
ultimatum by any means,” you contend “a hard look at how talent management<sup>1</sup> shortfalls currently affect retention in our service” is needed.

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 PES Manual guidance. The Board noted your billet – Team Officer-in-Charge (OIC) -- had changed from the preceding Change of Duty (CD) fitness report that ended 30 April 2023 to “Course Director” in the contested report. The Board, noting it is not uncommon for a change in position and responsibilities to have a similar impact on one’s performance markings, determined your request for relief did not specify how the markings were inaccurate nor provide evidence to support your contentions the attribute markings should presumably have been higher. The Board also noted your reliance on the RO’s non-concurrence but further noted the RO only commented on two attribute markings – F1 and G3 – which he would have marked “D.” In fact, the RO’s comments specifically note “[a]gree with all RS comments in Section C & I...” As a result, the Board concluded there is insufficient evidence of an error or injustice warranting modification or removal of the contested fitness report. 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,

8/7/2024



Executive Director

Signed by: 

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<sup>1</sup> In support of your comments in block 18, you submitted a document entitled Training and Education 2030 dated January 2023 for the Board’s consideration of the “model outlining retention issues similar to herein.”