



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. 6420-24
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 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), the 29 March 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23), and your 6 June 2024 rebuttal response.

The Board carefully considered your request to remove the transfer fitness report for the reporting period 6 May 2023 to 29 October 2023 because the report represents a soft relief contrary to Marine Corps policy, specifically the Commandant of the Marine Corps (CMC) White Letter 4-20. Additionally, you contend the report contains derogatory comments in Section I, without being adverse, denying you an opportunity to submit a rebuttal statement, in violation of the Performance Evaluation System (PES) Manual. Further, you contend you never received any negative counseling outlining specific deficiencies or metric for assessing improvement nor did the Reporting Senior (RS) show you the report or discuss his marking philosophy and/or comments with you prior to submission to the Reviewing Officer.

In response to the PERB's decision and the AO that recommended denial, you submitted a rebuttal statement with enclosures. As supporting evidence, you provided a letter from your current RS explaining he understood "through his communications with the Reviewing Officer (RO) and Division Chief of Staff that [you] had been relieved from [your] billet in █ Battalion

 Marine Regiment without adverse paperwork, constituting a soft relief.” Additionally, you contend the RS only used half of the available space for comments and included phrases that “damned with faint praise” such as you would “best serve the Marine Corps on a high-level staff,” implying you were unable to perform at the battalion level. You further contend his comment on a specific project implied you did not produce quality work on other projects. In total, you contend these comments communicated a negative impression of you to the report’s intended audience of promotion and command selection board members.

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 PES Manual guidance. The Board considered the explanation provided by your current RS which described the circumstances of you being transferred to your current command and, without determining whether the report represented a soft relief, declined to interpret the CMC White Letter as requiring a fitness report be removed if the reviewing chain did not follow the Letter’s directive, or whether it would invalidate the report. Further, the Board, having reviewed your attribute markings and the RS comments, did not find the comments “damn[ing] with faint praise” and, even when considering the report’s eventual audiences, determined the comments did not communicate a negative impression of you. 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,

7/3/2024

