



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. 7906-24
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 20 August 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 3 July 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 11 April 2024 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove fitness report for the reporting period 1 January 2023 to 31 May 2023. The Board considered your contention the contested fitness report reflects the personal bias of your reporting senior (RS) as evidenced by your initial and follow-on counselings, which occurred between January 2023 to May 2023. The Board also considered your contention that the guidance given to you from the RS in the performance of your duties as the motor transportation operations chief was contradictory to relevant policies concerning safety aspects in the performance of your duties; specifically, the wearing of personal protective equipment, usage of snow chains, and suggested speed of travel for convoy operations. Finally, the Board considered your claim there were inconsistencies between the marine reported on worksheet and the fitness report; specifically, you claim that your major

accomplishments for the fitness report decreased significantly and the word picture and performance grades did not match.

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 Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that you were counseled on multiple occasions regarding your performance and conduct. The Board also noted the fitness report was not adverse and the RS graded you according to the performance anchored rating scales based upon your demonstrated level of performance. Finally, the Board determined your contention the fitness report was invalid based upon RS personal bias lacked validation beyond your personal statement. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

9/9/2024

