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

[redacted]
Docket No. 7912-24
Ref: Signature Date

[redacted]

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 27 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 27 June 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 21 March 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMPB-23). The AO was provided to you on 27 June 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to modify the fitness report for the reporting period 1 October 2021 to 19 June 2022 by increasing three attribute marks. The Board considered your contention that the marks in the fitness reports have remained consistent, despite your Reporting Senior's (RS) intention to improve the marks in your second fitness report. You claim the RS acknowledged the inconsistency as an administrative oversight. As evidence, you provided correspondence from your former RS indicating his intention was to maintain your upper relative value.

The Board, however, substantially concurred with the PERB's decision that you did not meet the burden of proof nor show by preponderance of evidence a substantive inaccuracy or injustice warranting modification of your fitness report. The Board noted the RS correspondence and found it unconvincing. In this regard, the Board determined that contrary to the Marine Corps Performance Evaluation System (PES) Manual your RS is attempting to reset his profile and

increase your overall relative value. The PES Manual stresses the importance of RSs to monitor their profile and provides no mechanism to "reset" profiles. After a fitness report is complete, the PES Manual advises RSs to calculate the report average and compare that to his or her RS profile. The RS should make minor adjustments to the attribute markings, as necessary, to ensure the report meets the intent of the PES Manual. The Board also noted that your former RS's correspondence failed to acknowledge how a change to your record would affect the other Marines in his profile. While your former RS expresses good intentions to improve your report average and profile placement, your RS's endorsement failed to include any remarkable new facts that were previously unknown at report processing. Moreover, the Board determined that a substantial change to your fitness report after report processing would negatively affect the other Marines of the same grade in your RS's profile. The Board concluded that your fitness report is valid as written and filed in accordance with the applicable PES Manual and no corrective action is warranted. 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,

9/13/2024

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