



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

█  
Docket No. 7965-24  
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 15 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 10 April 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23), which was considered favorable to your case.

The Board carefully considered your request to remove the "From Duty" fitness report for the reporting period 4 May 2022 to 10 June 2022 based on your contention that an adverse report should be accompanied with an Administrative Remarks (Page 11) 6105 counseling or negative paperwork and neither are present in your record. You further contend that you were not informed that you would be receiving an adverse report, due to failing a Physical Fitness Test (PFT), until two weeks after graduating from the Resident Sergeant School. Lastly, you contend that you informed the instructor that you had not completed the PFT due to chest pain and you were "admitted into the Emergency Room."

The Board, however, substantially concurred with the PERB decision the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. Notwithstanding the AO recommendation that the report should be invalidated because the PFT failure was not officially recorded, the Board specifically noted the PES Manual states "PFTs taken... as part of formal school or course induction will also be

appropriately recorded in item 8b.” The Board considered your contention you had not completed the PFT due to chest pain and were “admitted to the Emergency Room” but noted the medical documentation you submitted is dated 9 June 2022, six days after the 3 June 2022 PFT failure. Additionally, the “Emergency Documentation” does not indicate you were “admitted into the Emergency Room” after failing to complete the PFT due to chest pains. Without medical documentation to support your contention you were “admitted to the Emergency Room” on the 3rd of June due to chest pain, the Board determined there was insufficient evidence to support your contentions. Additionally, the Board noted the PES Manual states the entry of a “F” in item 8b renders a report adverse. Based on the “F147” entered in block 8b of your contested fitness report, the Board concluded the report was appropriately marked “adverse” despite the lack of an accompanying 6105 or negative paperwork. Therefore, the Board concluded there is insufficient evidence of an error or injustice warranting 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,

9/9/2024

