



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

██████████  
Docket No. 8022-24  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. 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 applications, 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 15 April 2024 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

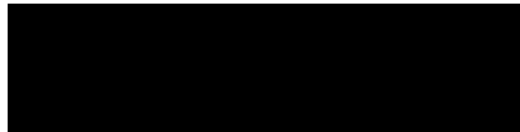
The Board carefully considered your request to remove your fitness report for the reporting period 31 July 2018 to 30 June 2019. The Board considered your contentions that a review of your official record with the senior enlisted advisor revealed that the fitness report was purposefully graded lower to ensure you would be placed in the bottom of your Reporting Senior (RS) profile. You further claim the RS made no indication you were performing below standards and the Section I comments and attributes led you to believe you were a solid performer while simultaneously marking your performance below average to ensure you would be at the bottom of his profile. Finally, you contend that, pursuant with the newly published MCO 1610.7B, the RS should avoid the temptation to intentionally mark attributes in a manner that ensures the report will be at the bottom of their profile, while simultaneously writing laudatory comments in Section I to mislead the Marine Reported On (MRO) into believing the overall report is laudatory.

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 provided insufficient evidence regarding your claims that the RS provided you with an unjust evaluation and maliciously conspired to grade you with the intent of marking you at the bottom of his profile. Further, the Board noted that a grade of "B" on the performance anchored scale describes the minimal acceptable level of performance of billet responsibilities and grading beyond "B" demonstrates the MRO exceeded performance expectations in that area. Moreover, the Board noted pursuant with MCO 1610.7A, a report is not considered unjust solely because the relative value (RV) and/or comparative assessment mark are rated lower than other reports. Thus, the Board concluded that your contentions lack validation beyond your personal statement. The Board noted the fitness report was not adverse, did not reference any pending legal matters, and properly reflected your duty assignment as Artillery Electronics Maintenance Chief. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of your 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,

9/25/2024

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Executive Director

Signed by:

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