



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

█  
Docket No. 8028-24  
Ref: Signature Date

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█  
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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 10 October 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)<sup>1</sup> provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the Annual (AN) fitness report for the reporting period 30 June 2021 to 30 June 2022 and the Change of Reporting Senior (CH)<sup>2</sup> fitness report for the reporting period 1 July 2022 to 30 June 2023. You contend the reports should be removed because a Command Investigation (CI) “directed by the Commanding General and conducted on [your] Reporting Senior and [Reviewing] officer for toxic work environment and harassment of personnel” substantiated the allegations. You further contend the reports should be removed “due to biased influences on fitness reports during the reporting period for both [your] RS/RO.” In support of your contentions, you submitted a letter from █ which “serves as [his] professional assessment of [your] working conditions in █ from June

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<sup>1</sup> The Board noted the MMPB-23 AO only addressed one of the Fitness Reports, the Change of Reporting Senior (CH) for the reporting period 1 July 2022 to 30 June 2023, and the PERB only considered the CH report.

<sup>2</sup> The Board noted you mistakenly referred to this fitness report as an Annual (AN) report.

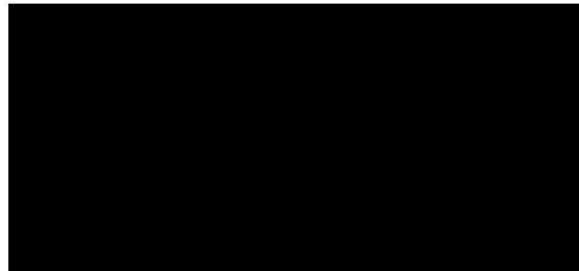
2021 through July 2023.” In his letter to the PERB, [REDACTED] indicated the CI findings of fact “indicated that [you], among others, [were] subjected to profanity laced yelling and physically intimidating body language” by your Reporting Senior (RS) which the Colonel goes on to state “[p]otentially influenc[ed] [your] performance markings in the EFFECTIVENESS UNDER STRESS area in Section E” of the fitness report.” Lastly [REDACTED] states “there were indications that [your] [Reviewing Officer (RO)] was not physically present in the workplace enough to form an objective assessment of [your] performance.”

The Board, however, determined both fitness report were valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. The Board noted that, even considering [REDACTED] letter in support of your request, there is insufficient evidence of an error or injustice because you did not provide any discussion or evidence regarding the toxic work environment, the complaint that led to the CI, or the CI itself. Further, the Board noted you have not specified any errors or injustices with either of the reports but merely contended bias by the RS and RO. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

11/7/2024

A large black rectangular redaction box covering the signature and name of the official.

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<sup>3</sup> The Board noted the AO’s comment that [REDACTED] confirmed via phonecon that he was the Investigating Officer for the CI.