



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

██████████
Docket No. 10218-24
Ref: Signature Date

██████████
████████████████████
██████████

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 5 November 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 11 September 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 28 May 2024 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMPB-23), as well as your response to the PERB's decision.

The Board carefully considered your request to modify comparative assessment marking in the Section K.1 Reviewing Officer (RO) portion of your Fitness Report for the reporting period 1 June 2021 to 30 June 2022. If granted, you also requested that the Board remove your Failures of Selection (FOS) for promotion to Lieutenant Colonel. The Board considered your contentions that you received two fitness reports from the same RO and that on the second fitness report the RO comparative assessment went from a "6" block to a "5" block which, you claim, implies a regression in performance. The Board also considered your claim that pursuant to MCO 1610.7B, Performance Evaluation System (PES) Manual, states that a Marine Reported On that you are assessing in back-to-back periods and whose performance remains constant, should receive at least the same mark as you assigned to the prior report. Finally, the Board considered your contention that you never received any negative formal or informal counseling's, correspondence, or feedback about your performance and that on the contrary, your fitness reports showed consistent growth and competitiveness throughout his tenure with the unit. In response to the AO, you further claim that the PERB mischaracterized your request and emphasize that RO regression markings can cause significant challenges during promotion

selection boards where they are viewed extremely negatively and that a regressive marking is in contradiction to PES Manual Guidance.

The Board, however, substantially concurred with the PERB's Decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board determined other than your personal statement you provide insufficient evidence that the RO marks were not warranted. The Board noted pursuant with the PES Manual, a report is not considered unjust solely because the relative value or comparative assessment mark are rated lower than other reports. The Board also noted the RO's comparative assessment is based on a wider spectrum based on his comparison of you to all Marines (both past and present) of the grade whose professional capabilities are known to the RO. The Board noted, too, the RO indicates in his email to you that the [fitness report] marks are accurate and adequately reflect your performance and placement compared to his Major RO Profile. The Board also considered your contention that you never received any negative formal or informal counseling's, correspondence, or feedback regarding your performance, however the Board determined this assertion lacks merit, as relief is typically not granted solely on the grounds of alleged lack of counseling, given that counseling can manifest in various forms. Furthermore, the Board noted the report constituted the 14th report reviewed on grade by the RO at processing and the fitness report was commendatory and contained no adverse comments or markings. Based on the foregoing, the Board found no basis for the removal of your fitness report or a removal of your FOS. Thus, the Board concluded 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 record shall remain unchanged.

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,

11/21/2024

