



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

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Docket No. 10333-24
Ref: Signature Date

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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.

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 12 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 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 11 September 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), 28 May 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was provided to you on 11 September 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 remove the fitness report for the reporting period 9 July 2022 to 15 June 2023. The Board considered your contention that the report was written and filed with skewed data. You claim that the Reporting Senior (RS) created a profile from four officers in one reporting period. The officer at the top of the profile has a long-standing working relationship of more than ten years and worked regularly in the same off-site office, whereas the RS would only see and interact with the other officers a handful of times per month. You believe there was an essence of favoritism when writing the reports. You also contend that you did not receive an initial counseling, midterm counseling or corrections. You also claim the Reviewing Officer (RO) has an inflated profile, and his markings are spread out to a point that looks detrimental to a board without context. As evidence, you provided correspondence from your former RO.

The Board, however, substantially concurred with the PERB's decision that you did not meet the burden of proof nor shown by preponderance of evidence a substantive inaccuracy or injustice warranting removal of your fitness report. The Board determined that your fitness report is valid as written and filed in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. The Board noted the correspondence provided by the RO but found his justification for corrective action unpersuasive. While the RO advocates for correction to the Reporting Senior (RS) portion of the fitness report, the Board found no evidence that RS supports your request, and the RO reaffirmed that his portion of the fitness report will remain the same. The Board found no evidence of favoritism or skewed marks and you provided none. Your fitness report was not adverse; therefore, the RS was not required to provide mid-term or corrective counseling. The Board also determined that your dissatisfaction with the perceived competitiveness of your report's relative value and comparative assessment mark is not a basis for removing the report. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting removal of your fitness report or removal of your failures of selection. 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,

11/23/2024

