



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. 10351-24
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 19 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 █ decision by the Marine Corps Performance Evaluation Review Board (PERB), and the █ Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although, the PERB decision was provided to you, you did not provide a response.

The Board carefully considered your request to remove your Fitness Report for the reporting period 18 April 2014 to 25 June 2014. The Board considered your contentions that the fitness report does not reflect your performance. The Board also considered your contentions that pursuant to MCO P1610.7B (PESMAN), the fitness report constitutes a "welcome aboard" fitness report and is inconsistent with the Section I reporting senior comments.

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 Manual guidance. In this regard, the Board determined the fitness report was properly filed and accurately reflects your performance during the reporting period. The Board determined beyond your personal statement, you provided insufficient evidence regarding your claims that the reporting senior provided you with an inconsistent evaluation and misleading Section I comments. Moreover, the Board noted pursuant with MCO 1610.7A, a report is not considered

unjust solely because the relative value 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. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. Accordingly, given the totality of the circumstances, the Board concluded there is no probable material error, substantive inaccuracy, or injustice warranting 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,

12/23/2024

