



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

██████████
Docket Nos. 10353-24

██████████
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 3 December 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 and 23 October 2024 decisions by the Marine Corps Performance Evaluation Review Board (PERB), and the respective 10 June 2024 and 20 June 2024 Advisory Opinions (AO) provided to the PERB by the Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

Docket No. 10353-24

The Board carefully considered your request to modify the Reviewing Officer (RO) comparative assessment on your Grade Change fitness report for the reporting period 2 March 2019 to 29 May 2019. The Board considered your contention that the RO comparative assessment in Block "5" appears to be inadvertent and inconsistent with previous marking in Block "6." You assert that the previous report and the contested report had Reporting Senior (RS) relative values of 100 at processing, but the RO assessment was lowered from 6 to 5. You contend that you were not counseled on the lowered marking due to the RO's retirement. In support of your petition, you provided a Memorandum from the RS favorably endorsing your request.

The Board, however, substantially concurred with the AO and the PERB decision that the report ending 29 May 2019 is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted other than your statement, you provided insufficient evidence to support your claims, including a favorable endorsement from the RO to provide adequate justification concerning your request. The Board noted the PES Manual does not mandate for RO's to maintain consistent Comparative Assessment markings across reporting periods. The Board

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report ending 30 April 2020 is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that a report is not considered unjust solely because the comparative assessment marks are rated lower than other reports. The Board noted your placement within the RO's profile reflects the RO's comparative assessment of your potential in comparison of all Marines in that grade whose professional abilities are known to him personally, and the PES Manual allows ROs to exercise independent judgment in their evaluation. The Board considered the RO's advocacy letter, but determined his good intentions for a report that processed in 2020 was untimely and would have potential negative impacts on other 40+ individuals previously observed by the RO.

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.

1/22/2025
