



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

██████████  
Docket No. 10357-24  
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.

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 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 29 May 2024 Advisory Opinion (AO) provided to the PERB by the Performance Evaluation Section (MMPB-23), and your response.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove or modify the Annual (AN) fitness report for the reporting period 31 August 2022 to 31 May 2023. You further requested removal of your Failures of Selection (FOS) by the Fiscal Year (FY) 2025 and FY 2026 Lieutenant Colonel (LtCol) Promotion Selection Boards (PSBs) and that you be granted remedial promotion consideration. The Board considered your contentions that the markings and Section I comments represent error and injustice due to their confusing, prejudicial and inconsistent nature. Specifically, you argue the Section I comments undermine the strongly positive narrative of your performance and suggest a bias based on your status as a newly assigned Operational Test Project Officer. You further highlight a significant increase in Relative Value (RV) in your subsequent report, which you claim underscores the unjust nature of the contested report. In your response to the AO, you emphasize the alleged disparity between scoring and commentary,

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The Board, however, substantially concurred with the PERB decision that the contested fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted although the AO may offer favorable interpretations, its recommendations are for advisory purposes only. The AO indicates that should your petition be approved; it would displace 12 peer majors in the Reporting Senior (RS) and 77 majors in the ROs respective profiles. The Board also noted Section I comments are intended to provide a comprehensive narrative on a Marine's performance, and while they may offer clarifications, they are not required to align verbatim with attribute markings. The Board noted the contested report explicitly notes that your RV did not reflect your overall performance due to your status as a newly assigned officer in a highly experienced cohort and that this observation falls within the RS's discretion as prescribed by the PES Manual, which allows the RS to provide contextual comments for profile disparities. The Board noted the reported increase in RV during the subsequent reporting period reflects the normal maturation of an RS profile rather than an indication of error or injustice in the prior evaluation. The Board also noted a low relative value does not constitute grounds for removal of a fitness report. The fitness report was not adverse, did not reference any pending legal matters, and properly reflected your duty assignment. The Board concluded other than your statement, you provided insufficient evidence to your claims warranting removal of the contested report. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

The Board noted that a Special Selection Board (SSB) may only be convened if there is a material error or injustice in the record that unfairly influenced the outcome of the promotion board. However, the Board noted as the contested report remains valid and a correction to your record is not warranted, your FOS removal and SSB requests do not meet the criteria for approval.

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,

1/22/2025