



[REDACTED]

[REDACTED]

[REDACTED]

The Board carefully considered your request to modify the Section K Reviewing Officer (RO) comments on your Fitness Report for the reporting period 1 November 2021 to 1 June 2022 and if granted, to remove your failure of selection (FOS) by the Fiscal Year 2024 Captain Promotion Selection Board (PSB). The Board considered your contention that the comment, “Career designate and promote per needs of the Marine Corps,” could be negatively interpreted, and further noted your assertion that despite being career designated, you were not promoted to Captain. The Board also considered your assertion that you received a total of four observed

fitness reports by the RO and your claims that although the reports relative value (RV) was higher, the RO comments contradicted the grades and RV of your Fitness Report.

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 (PES) Manual guidance. In this regard, the Board determined your contentions lack validation beyond your personal statement. The Board noted, the fitness report was not adverse referenced no legal matters, and accurately reflected your duty assignment. The Board further noted pursuant to the PES Manual, RV is a metric derived from the Reporting Senior's (RS) historical profile, distinct from RO comments. Thus, the Board concluded RV is not a basis for evaluating the accuracy or appropriateness of a fitness report, as grades reflect individual performance, not an averaged or perceived RV. Finally, the Board noted your claims regarding contradictions between RO comments and RS grades were immaterial, as the RS and RO profiles are evaluated independently. Furthermore, perceived competitiveness based on RV or comparative assessment marks is insufficient justification for Fitness Report modification. Finally, the Board noted your request for removal of your FOS, however, the Board acknowledged your subsequent selection by the FY 2025 Captain PSB, concluding the contested fitness report did not directly impact your previous FOS. Thus, the Board concluded that 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 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,

12/23/2024

