



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

█  
Docket No. 10439-24  
Docket No. 10449-24  
Ref: Signature Date

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█  
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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 applications were not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your cases on its merits. A three-member panel of the Board, sitting in executive session, considered your applications 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 applications, 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 decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 18 June 2024 advisory opinions (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AOs were 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 modify the fitness reports for the reporting periods [15 March 2011]<sup>1</sup> to 30 April 2011 and 1 May 2011 to 10 August 2011 by increasing the Reviewing Officer (RO) comparative assessment marks from block four to block five. The Board considered your contention that the comparative assessment marks were made in error and should be changed. You also contend that the error was inadvertent according to the RO correspondence in which he provided new information pertaining to your performance that was not previously articulated to him. You claim that during a career counseling, it was recommended that you reach out to the RO to fix the error since it is having a negative impact on your cumulative percentages.

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<sup>1</sup> On 2 April 2021 HQMC corrected the start date, Section 3B, to 15 March 2011 instead of 18 January 2011.

The Board, however, substantially concurred with the previous Boards and the PERB's decisions that you did not meet the burden of proof nor shown by preponderance of evidence a substantive inaccuracy or injustice warranting modification of your fitness reports. The Board determined that your fitness reports are valid as written and filed in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that your former RO noted accomplishments that were purportedly unknown at the time of the report processing, the Board however found the RO correspondence unconvincing. The Board considered both the timeliness of your requests and that the RO no longer has an active profile. Your RO's correspondence is well meaning, however, the Board determined that a substantive change to your record 13 years after your fitness reports were processed is outweighed by the negative impact on the record of other Marines in the ROs profile of the same grade. The Board also determined that the perceived competitiveness of your reports comparative assessment mark is not a basis to modify your fitness reports. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting modification of your fitness reports. Accordingly, given the totality of the circumstances, the Board determined that your requests do 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,

12/20/2024

