



Dear [REDACTED]

A three-member panel of the Board, sitting in executive session, considered your application on 7 January 2025. 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) and the 1 May 2023 Advisory Opinion (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.

The Board carefully considered your request to modify the Reporting Senior (RS) Section D - H markings of your fitness report for the reporting period 24 June 2011 to 23 April 2012. The Board considered your contention that the RS violated the Performance Evaluation System (PES) Manual guidance. Specifically, you claim that pursuant to the PES Manual, the RS should avoid temptation to intentionally mark attributes in a manner that ensures the report will be at the bottom of their profile while simultaneously writing laudatory comments in Section I to mislead the Marine Reported On. You assert that when you were counseled, you were in the middle third relative value (RV) as evidenced by your Master Brief Sheet, but the very next fitness report you became the RS's bottom RV of 80. You also claim that you were never advised that your performance was lacking, not on par with peers, or not meeting the RS expectations. The Board considered your claim that upon failure of selection in 2020, you contacted the RS via telephone and that he admitted you were not his 80 RV, that he mismanaged his profile, and that you should have remained in the middle third for the contested report. Finally, you claim that the RS agreed to write you an advocacy letter but as of the date of your petition, he had not yet sent it.

The Board, however, substantially concurred with the PERB's decision 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 report. The Board determined that your fitness report is valid, as written and filed over ten years ago, in accordance with the applicable PES Manual. In this regard, the Board noted you other than your statement, you provided insufficient evidence to conclude that your performance and conduct during the reporting period warranted higher grades than those reflected in the report. The Board noted grades are not given to attain a perceived fitness report average and a report is not considered unjust solely because the RV or comparative assessment marks are rated lower than other reports and the perceived competitiveness of a report's RV is not a basis for removal or modification of the contested fitness report. The Board determined you provided insufficient evidence that the RS markings were improper or inconsistent with observed performance. The Board thus concluded 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,

2/18/2025

