



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

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Docket No. 10534-24
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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 24 July 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was 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 remove the fitness report for the reporting period 1 July 2022 to 15 May 2023. The Board considered your statement and contentions that the Reporting Senior (RS) is not willing to adjust the fitness report to reflect your performance accurately, instead of personal bias and legal accusations that were pending. You also contend that you were not formally convicted, and the RS is not authorized to use bias or the fitness report as a counseling tool to evaluate your performance. You claim that the RS comments focused on your appearance and did not mention an assessment of your performance.

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 removal of your fitness report. The Board determined that your fitness report is valid as written and filed in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that you were issued an Administrative

Remarks 6105 (Page 11) entry on 21 June 2023 counseling you for assaulting your wife's mother and an incident with your wife during an argument. The Board also noted that the counseling entry was issued after the end of the reporting period and there is no mention of the incident in your fitness report. Concerning bias by your RS, the Board found no evidence of bias or that your fitness report was used as a counseling tool. Your statement regarding your performance is subjective and ultimately the responsibility of the RS to assign based on his/her assessment of your performance and conduct. Concerning your Section I comments, the Board determined that the Section I comments are favorable and the majority of statements focus on the RS's assessment of your character and performance and not your personal appearance. The Board also determined that a fitness report is not invalid because the relative value is lower than previous reports and your dissatisfaction with the attribute marks or relative value does not constitute a basis for removal of a fitness report. 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,

12/20/2024

