



**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. 10619-24  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. 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), 11 April 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch, and your response to the AO.

The Board carefully considered your request to remove the fitness report for the reporting period 1 October 2018 to 12 April 2019. The Board considered your contention that the reporting occasion should have been a "TD" report. You claim the Reporting Senior (RS) stated you were going to be his 80.00 either way due to two other senior majors he already wrote on were going on a board, and you had time to make it up with the next RS. You believe the report's relative value is hurting your actual performance as seen in the reports after. You acknowledge having no way of proving this other than being a commissioned officer given special trust and confidence. In response to the AO, you provided a statement regarding your accomplishments, other evaluations, perceived ethical concerns, and leadership failures. You also claim there was no wrongdoing, and you never received any written or negative verbal counselings.

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 the contested fitness report was your first fitness report in the grade of major. The Board also determined that your RS's explanation that two senior majors would be rated above you is not an error or injustice. The Board also noted that your fitness report is not adverse; therefore, your reporting chain was not required to counsel you verbally or in writing. The Board further determined that your dissatisfaction with the fitness report's relative value or its perceived impact on your competitiveness does not constitute a basis for removal of your 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.

Concerning your request to correct the reporting occasion, the Board determined that you have not exhausted your administrative remedies. In accordance with the PES Manual, the Commandant of the Marine Corps (MMRP-30) has the authority to correct section A information. Accordingly, you must submit an appendix G for the administrative correction.

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

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