



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. 10696-24
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 12 November 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to reverse the Competency Review Board (CRB) decision. The Board considered your statement that during the physical fitness test (PFT), you experienced significant lower back problems that severely affected your ability to perform at your usual standards. You claim to have evidence of medical issues and confirmation that you were under medical care for your back condition. You contend the challenges affected your physical performance and should be taken into account when evaluating your PFT results. You also contend that the PFT is one measure of a Marine's overall capabilities and professionalism. As evidence, you provided medical documents from an overseas civilian medical facility demonstrating treatment during 2021.

The Board noted that you were issued an Administrative Remarks 6105 (Page 11) entry on 29 June 2023, counseling you for failing to pass the Marine Corps PFT. You were advised that failure to pass the PFT results in ineligibility for promotion to the next grade, a future failure of the PFT will not be tolerated, and you will be subject to a CRB. On 19 July 2023, you were issued another Page 11 entry

counseling you for failing to pass the Marine Corps PFT. You were advised again that failure to pass the PFT results in ineligibility for promotion to the next grade, a future failure of the PFT will not be tolerated, and you will be subject to a CRB. You acknowledged both counseling entries and elected not to make a statement. The Board also noted that you were properly notified of the convening of the CRB, you acknowledged your rights prior to the CRB, and in your statement to the CRB, you acknowledged that you could be reduced and stated that you were not mentally prepared when you arrived, because you were dealing with personal life matters back at home.

Your CRB recommended your reduction in grade for poor performance and loss of confidence in your ability to maintain basic Marine Corps standards. The CRB opined that you arrived in Okinawa at the beginning of the PFT season giving you adequate time to acclimate and train for the PFT. Your 2022 run score indicates that you are not a strong runner and as a sergeant, you should have prioritized improving your performance. Furthermore, you could have taken the initiative to lead shop physical training and provide valuable leadership. The CRB considered your claims regarding lower back issues and found that you made no apparent attempts to seek medical attention while in Okinawa. Consequently, the CRB did not find your lower back issues to be a significant contributing factor to your failure to perform to standards.

The Board noted that a CRB is a formal administrative body convened to consider the suitability and ability of a Marine to continue to serve in the grade currently held. The Marine Corps Enlisted Promotion Manual defines professional incompetence, as a Marine who fails to exhibit military attributes to the degree appropriate for the current grade. These attributes include, but are not limited to leadership, force, judgment, integrity, military presence and bearing, reliability, obedience, moral fitness, *physical fitness*, endurance, and self-discipline. The Board determined that your CRB was convened according to applicable regulations. The Board also determined that your commanding officer acted within his discretionary authority when he concurred with the CRB's recommendation and reduced you to E-4. The Board also noted your medical evidence but found no evidence that you informed your command of any recent lower back pain, there's no evidence that you declared a medical injury prior to the PFTs, nor is there evidence that you received treatment at a Naval Hospital or military treatment facility. The Board thus 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,

11/23/2024

