



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

██████████  
Docket No. 10714-24  
Ref: Signature Date

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██  
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Dear Petitioner:

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 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 decisions by the Marine Corps Performance Evaluation Review Board (PERB) and the 29 May 2024 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 chose not to do so.

The Board carefully considered your request to remove your Annual (AN) fitness report for the reporting period 10 November 2022 to 31 March 2023. The Board considered your contentions; including your claims that the grading is inconsistent with the Section I and K comments. In this regard, you claim that the Reporting Senior (RS) and Reviewing Officer (RO) comments are favorable and recommend promotion and retention; however, the grading is sub-par and below average according to the RS profile. You further contend the fitness report is inconclusive and unclear and will adversely affect the overall view of your performance during the period covered for future promotion and retention opportunities.

The Board, however, substantially concurred with the PERB's decision that you did not meet the burden of proof to find that a substantive inaccuracy or injustice exists to warrant 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 provided insufficient evidence to conclude that your

performance during the reporting period warranted higher grades than those reflected in the contested report. Next, the Board noted a report is not considered unjust solely because the relative value or comparative assessment mark are rated lower than other reports. Finally, the Board noted comments from the RS and RO were favorable and the report was not adverse. 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,

2/27/2025

