



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

██████████  
Docket No. 10728-24  
Ref: Signature Date

██████████  
██████████  
██████████  
  
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 14 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 16 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 provided additional correspondence (personal statements), to the Board dated 27 December 2024.

The Board carefully considered your request to remove the fitness report for the reporting period 1 July 2023 to 24 August 2023. The Board considered your contention that the fitness report is unjust, does not contain sufficient factual basis to justify your relief, and the factual basis fails minimal scrutiny. The Marine Corps Performance Evaluation System (PES) Manual requires Reporting Seniors (RS) to provide a factual basis for adversity and to avoid vague and ambiguous language. You also contend that the Reviewing Officer (RO) cites a failure "to maintain a positive culture within the company" as the basis for relief. This is not a fact, it is a conclusion presumably based upon facts, facts hidden from you despite seven months of requests to know the underlying cause of your relief. You claim that during the investigation, you were never interviewed or informed there were allegations against you. You assert that the refusal to share this one-sided investigation with you was unjust and did not afford you the opportunity to provide the Investigating Officer with information for the commanding officer (CO) to review.

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 PES Manual. In this regard, the Board noted that your fitness report is marked adverse due to your relief for cause, as a result of a command investigation which substantiated your failure to maintain a culture within the company that was beneficial to the Marines. The Board also noted that the RO concurred with the RS and the adverse nature of the fitness report. In your statement, you accepted responsibility for the good order and discipline as well as the morale and wellbeing of the Marines in your company and for failing to change the culture within the company. You also explained the factors that contributed to your failure to turn the culture around. The Third Officer Sighter reviewed your statement and found no factual differences that required additional adjudication, he concurred with the RS actions and the fitness report as it is written. The Board also determined that your reporting officials provided sufficient factual basis to support the fitness report's adversity. The PES Manual does not require reporting officials to provide details of a command investigation to establish a factual basis. Based upon the content of your statement, the Board concurred with the AO that you clearly understood the basis for relief. Moreover, the Board further determined that a copy of the investigation might be obtain through the submission of a Freedom of Information Act request.

Moreover, the Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. 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,

1/24/2025

