



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

██████████
Docket No. 10924-24
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 13 February 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 8 October 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 2 August 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the transfer (TR) fitness report for the reporting period 1 June 2022 to 8 May 2023 from your official military personnel file. You contend the Reviewing Officer (RO) comparative assessment was unjust because it was related to your actions associated with the COVID-19 vaccination mandate. Specifically, you contend the comparative assessment of "4," which was prejudicial and differed from the other fitness reports¹ from the same RO, should be "rescinded" due to the rescission of the other COVID-associated directives. Lastly, you noted that during the reporting period covered by the contested fitness report, you received an Administrative Remarks (Page 11) entry, a Report of Misconduct, and an entry in your Officer Disciplinary Notebook, all of which have since been expunged from your record in compliance with MARADMIN 109/23. You contend the same "logic" should require removal of the contested report.

¹ On the fitness report ending 30 November 2021, the RO assessed you in block "5." The report received ending 31 May 2022 was marked "3" but that report was removed from your record by the PERB on 24 July 2023.

The Board, however, determined the TR fitness report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. The Board noted the report makes no reference to COVID, vaccine mandates, the Page 11, or the Report of Misconduct nor is there evidence your actions related to the COVID-19 vaccination mandate affected the RO's comparative assessment or any portion of the report. Further, the Board noted that you did not provide any specific evidence or contentions, beyond your own statement, to explain what the mark should be or why it should be higher. Additionally, substantially concurring with the AO, the Board noted the PES Manual does not mandate a RO use identical comparative assessment marks for consecutive performance evaluations unless the performance warrants such consistency. Changes in the comparative assessment – whether increases or decreases – do not require RO justification unless the report is marked “unsatisfactory.” Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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

