



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. 10925-24
Ref: Signature Date

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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 21 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 8 October 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 22 July 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 Modify Section K3 from “6” to “7” block for the Grade Change Fitness Report for the reporting period 1 June 2014 to 1 November 2014. The Board considered your contentions that, according to the Performance Evaluation System (PES) Manual, “The mark should be consistent with your Reviewing Officer (RO) profile; a Marine Reported On (MRO) you are assessing in back-to-back reporting periods, and whose performance remains constant, should receive at least the same mark as assigned to the prior report.” The Board considered your claim that this request pertains to an administrative oversight on the part of the RO and the quantitative data and qualitative comments in Section K4 exhibit consistency across all four of your fitness reports and lack any discernible evidence of deterioration in your performance.

The Board, however, substantially concurred with the AO and PERB’s decision that you did not meet the burden of proof to find a substantive inaccuracy or injustice exists to warrant modification 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 determined the untimeliness of your petition undermines its credibility and validity as the report was processed in 2015 and the RO's profile expanded considerably before his retirement. The Board considered your reference to the PES Manual; however, the Board noted the term "should" is not mandatory. Although the Board noted while there is evidence to suggest a reduction in the RO's Comparative Assessment compared to previous reports, the Board noted each fitness report is tailored to reflect a distinct period of performance. Further, the Board determined you provided insufficient evidence that the reduction was unwarranted. Also, the Board noted the perceived competitiveness of a report's relative value or comparative assessment mark is not a basis for removing or modifying the report and the perception that a particular fitness report may reduce a Marine's competitiveness for promotion, selection, or assignment is irrelevant in determining whether a report is adverse or not. The adversity lies in the recorded performance and not in perceived future competitiveness. Finally, the Board noted the fitness report was not adverse. Thus, the Board 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,

2/27/2025

