



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

██████████
Docket No. 10926-24
Ref: Signature Date

██
██
██

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 4 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 ██████████ decision by the Marine Corps Performance Evaluation Review Board (PERB) and ██████████ 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 Change of Reporting Senior (CH) fitness report for the reporting period 1 April 2021 to 17 January 2022. The Board considered your contentions that the contested fitness report is inaccurate and does not comply with Marine Corps Order (MCO) 1610.7B, Performance Evaluation System (PES) Manual. In this regard, you argue the fitness report was necessitated by an investigation into the prior Reviewing Officer (RO), which resulted in the RO being relieved and transferred on 17 January 2022. This led to a preliminary inquiry (PI) into the Reporting Senior (RS). Due to these circumstances, you claim that you were directed to submit your Marine Report on Worksheet (MROW) to an individual with whom you had no prior interaction or acquaintance and who served both as the RS and RO for the contested report. You assert that this has led to an inaccurate representation of this period of your career in your Official Military Personnel File (OMPF).

In your letter to the PERB, you further outline the following claims: (1) You had no communication or interaction with the RS, who also served as the RO for the contested report, and received no supervision or tasking from the RS/RO, (2) The RS/RO did not check into the ██████████ Division until 15 July 2021, 106 days after the reporting period began; further highlighting your claims regarding a lack of required observation and supervision, (3)

You never received any billet description, duties, or responsibilities from any of his RS's, including the RS/RO of this report, nor did the RS/RO provide initial counseling or any type of counseling before and after the MROW was submitted, and (4) you also claim Section A, Item H, is administratively inaccurate and does not reflect the correct Billet Military Occupational Specialty (BMOS) assigned in Marine Online (MOL).

The Board, however, substantially concurred with the PERB's decision that you did not meet the burden of proof to find 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, you provided insufficient evidence to substantiate any ill intent on the part of your chain of command to disadvantage you. Additionally, the Board noted that the Director, MP, possessed greater insight into the organizational hierarchy and adjustments made to the reporting chain; which you failed to challenge. Furthermore, the Board acknowledged the RO accurately noted in the Section K comments the unforeseen administrative changes to the reporting chain. Next, the Board noted the PES Manual allows for modifications to the reporting chain under unusual operational or command relationship situations. Specifically, it states that commanding generals may modify the reporting chain, as long as necessary, and the RO must specify the reason in Section K. Further, the Board noted the PES Manual does not stipulate strict guidelines for determining adequate knowledge and observation by the RS and RO. While counseling by the RS throughout the period is recommended, it is not mandatory. Lastly, the Board noted the RS and RO portions of the evaluation appeared well-informed with no adverse material noted. Therefore, the Board noted your command, including the incumbent RS/RO, were likely aware of the above mentioned developments well before the reporting period concluded and determined your fitness report was processed in compliance with the PES Manual. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting the relief requested for the contested fitness reports. 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

