



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

██████████
Docket No. 10930-24
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 28 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. The Board also considered the 11 September 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 25 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your Transfer fitness report for the reporting period 3 May 2023 to 1 August 2023. The Board considered your contentions the Reviewing Officer (RO) harbored animosity towards you due to your humanitarian transfer from ██████████ to ██████████ for medical reasons. You also claim the RO had previously given you the highest marks on your fitness report three months prior but that his attitude changed upon learning your transfer would leave the unit without an Ordnance Officer. Additionally, you assert the current fitness report does not align with your nomination for the Meritorious Service Medal (MSM) and further claim that the fitness report remarks do not align with the Battalion Commander's comments concerning your Navy and Marine Corps

Commendation Medal (NMCM) recommendation. Furthermore, you claim the RO influenced the Reporting Senior (RS) to adjust his marks to reflect the RO's opinion; stating that the original fitness report was the highest the RS had ever given. Finally, you maintain that the fitness report history shows multiple revisions between the RO and RS, and that you constantly monitored its status and observed numerous changes.

The Board, however, substantially concurred with the AO and PERB 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. The Board determined that you failed to provide substantial evidence that the RO unfairly evaluated you in the contested report. Although you received higher marks on the previous report, the Board noted your request for humanitarian transfer was dated 25 April 2023; during the timeframe of the previous report which you assert received higher marks. Furthermore, the Board determined the Section K comments are not solely directed at the humanitarian transfer as perceived by you. Regarding your assertion that your fitness report underwent multiple revisions, the Board noted the RO cited excerpts from the PES Manual in the email exchange you provided; indicating adherence to PES Manual procedures and the RO's clarification concerning the processing of the report. Therefore, the Board determined it does not support your contention of wrongdoing. Finally, the Board concluded the perception that a fitness report may reduce a Marine's competitiveness for promotion, selection, or assignment is irrelevant in determining whether a report is adverse. The adversity lies in the recorded performance and not perceived future competitiveness. Thus, the Board determined there are no adverse or biased comments in the report to support removal of the contested fitness report. Consequently, the Board found 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

