



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

██████████
Docket No. 10947-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 December 2024. 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB), 10 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 8 October 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 April 2013 to 31 May 2013. If approved, you request the removal of your failures of selection. The Board considered your contention that the fitness report creates an unjust perception of lower performance as a captain and the report is substantively inaccurate. You also contend that only one report with markings should have been factored into the overall assessment. You claim that the Reporting Senior (RS) did not intend for the relative value to be as low as it was on his profile.

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 Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that the fitness report is for an annual reporting occasion. The Board also noted that the PES Manual directs that every Marine in the grade Sergeant through Major General will receive at least one fitness report annually. The Board found no evidence that your fitness report met the PES Manual criteria to omit your annual fitness report occasion and you provided none. Additionally, the Board found no evidence of the RS's intent regarding the relative value of your fitness report. Moreover, your dissatisfaction with the report's relative value is not a basis for removal. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting corrective action or removal of your failures of selection. 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,

1/7/2025
