



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

██████████
Docket No. 10958-24
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 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, as well as the 23 October 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 4 June 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 remove your From Temporary Duty (FD) fitness report for the reporting period 1 February 2020 to 29 May 2020. The Board considered your claims the contested report does not reference a performance issue or cause of relief. You claim that the manner of your demobilization and basis for the subsequent fitness report do not reflect the guidance in Marine Corps Order 1500.61 (MCO 1500.61) and Marine Corps Commandant (CMC) White Letter 4-20.

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, the Board considered your personal statement and your claims, including the CMC White Letter dated 9 October 2020 you provided which stipulates the practice of "soft-relief" for wrong doing or poor performance is not authorized. However, the Board noted the letter was

signed after the conclusion of the reporting period, rendering it inapplicable to your claim. Further, the Board determined the contested fitness report is not adverse and you failed to offer a compelling argument that the Reporting Senior (RS) conspired to intentionally write the fitness report with a low relative value or one that indicts the Reviewing Officer (RO) portion of the fitness report. Further, the Board noted low relative value does not constitute grounds for removal of a contested fitness report. Lastly, the Board noted, the fitness report does not reference a relief for cause and merely indicates in the Section I comments that you were released from duty for your own health and well-being. Thus, the Board concluded there are no adverse or biased comments in the report to support removal or modification of the contested fitness report. Consequently, the Board concluded 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

