



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

██████████
Docket No. 10961-24
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, as well as the 23 October 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 18 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 remove your Transfer (TR) fitness report for the period 1 June 2023 to 22 August 2023. You claim that administrative action was taken against you without due diligence and process, you were not given an Administrative Remarks (Page 11) counseling entry for your relief, and that the subject of your relief is unclear and changes in scope over time; as demonstrated in the provided enclosures. You also assert that the facts are inconsistent throughout the provided enclosures. You contend that the Reviewing Officer (RO) implied his decision was based on the Preliminary Inquiry (PI) and observed poor performance. However, you claim the PIs are inherently incomplete and falsely states you oversaw the destruction of ammo and were aware it was stored in a quadcon; both of which you claim are refuted in the evidence. Next, you assert that the Command Investigation (CI) was not comprehensive and that your chain of command assumed you knew more than you did, accused you of ammunition mishandling in subsequent counseling on 4 August 2023, and this occurred prior to the completion of the investigation. Lastly, you claim that you did not repeatedly fail to meet the Reporting Senior's (RS's) expectations, as you remediated when given the appropriate

time, nor did you fail to demonstrate professional abilities commensurate with your grade and experience as you were inexperienced in ammunition handling.

The Board noted, on 20 July 2023, a PI was conducted concerning the ammunition handling of [REDACTED] between 5 July 2023 and 25 July 2023. The Board noted, too, the opinions and recommendations from this PI were redacted. Then, on 4 August 2023, the Board noted you received a “second” counseling which outlined the following areas for improvement; including under the subparagraph for improvement judgement concerning the handling of ammunition. Subsequently, a CI was initiated into the facts and circumstances surrounding the ammunition handling of [REDACTED], between 5 July 2023 to 25 July 2023. Based on the findings of the CI, the Board noted you were relieved of your duties due to poor judgment regarding the handling and disposal of ammunition and lack of candor with higher headquarters. The opinions and recommendations from the CI were also redacted. As a result of the aforementioned, you were issued an adverse not observed fitness report for the reporting period.

The Board, after careful review of all the evidence, 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 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 determined pursuant to the PES Manual, the RS must provide the factual basis for adversity and avoid vague language. For performance-based relief, the RS must provide the factual basis for their assessment in the justification block of the adverse attribute and state that the Marine Reported On (MRO) was relieved for cause. Next, the Board noted the Third Officer Sighter (TOS) confirmed that you met the certification requirements as an OIC/RSO and were qualified for your duties. The TOS further clarified that your mishandling of ammunition violated established regulations; forming the basis for your relief. While you assert that you were not formally notified with a page 11 counseling entry and criticize the evolving reasons for your relief, the Board further noted that, while the PES Manual specifies that a relief for cause should be documented via a page 11 entry, it is not mandated. Finally, the Board noted the appeal process does not substitute the adjudication of an adverse fitness report at the time of its preparation. Headquarters, Marine Corps screened the adverse fitness report and found it administratively complete and accurate; further affirming its validity. The Board determined the report is valid as written and your rebuttal indicates you had a clear understanding of the grounds for your relief. Thus, the Board concluded the fitness report is valid based on established PES Manual policies. 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

