



Dear [REDACTED],

A three-member panel of the Board, sitting in executive session, considered your application on 18 March 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 1 October 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 11 September 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was provided to you on 1 October 2024, and you were given 30 days in which to submit a response.

The Board carefully considered your request to remove the fitness report for the reporting period 7 June 2023 to 30 November 2023. The Board considered your contention that the Reporting Senior (RS) had no supporting documentation or follow-on counselings giving you the chance to improve your performance before getting an adverse fitness report. You also contend adherence to the Marine Corps Performance Evaluation System (PES) Manual was not followed. According to the PES Manual, the RS must establish and formalize, or review Section B (Billet Description) at the outset of each reporting period (within the first 30 days), determine or make necessary adjustments to the billet description, and counsel the Marine Reported On on his or her duties, responsibilities, and the RS's expectations. You claim this did not happen until 17 October 2023. You also claim the RS stated he would have marked all 'B's' but decided to mark an 'A' to could justify not recommending you for promotion. You further contend the RS used very vague language and factually incorrect comments in Section I.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, 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 PES Manual. In this regard, the Board noted that the report was marked adverse for 'Performance' and 'Leadership' and you were not recommended for promotion due to performance-based adversity. The Board also noted that the RS provided justification for your adverse marks, the Reviewing Officer concurred with the RS and committed that you exhibited low performance and should not be recommended for promotion. The Board noted, too, that you provided a statement, however, the Third Officer Sighter (3OS) adjudicated all factual differences and found the adverse report to be administratively sound. The validity of your adverse fitness report was further supported by Headquarters Marine Corps prior to inclusion in your official record.

Concerning the adversity of your fitness report, the Board found no evidence other than your statement that the RS indicated the report would not be adverse. Contrary to your contentions regarding a lack of counseling, the Board noted the RS's statement that verbal counseling occurred throughout the reporting period. The Board also noted the email from your RS regarding the initial counseling worksheet, but found no evidence that the delay in completing the initial counseling worksheet resulted in your failure to perform your duties to the level expected of a Marine of your grade. The Board determined that your reporting chain provided sufficient evidence to support the adverse nature of your fitness report. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus 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,

3/28/2025

Deputy Director

Signed by: