



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

██████████
Docket No. 11955-24
Ref: Signature Date

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████████████████████

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.

A three-member panel of the Board, sitting in executive session, considered your application on 4 February 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 17 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 1 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 January 2022 to 14 April 2022. The Board considered your contention that the report does not accurately or fairly display your performance. Because of the command's agenda and harassment, you were ostracized from performing tasks and/or holding any responsibility. The command assumed the office you were assigned to was an office you could report to for accountability while waiting administrative separation. You also contend, this was not only unjust, but it was unfair for the Reporting Senior (RS) to be forced to write on your performance without direction on how you would be used. You also claim the accomplishments outlined during the reporting period were actually accomplishments covering 1 July 2021 to 14 April 2022.

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 your billet description as a "CI/HUMINT" Instructor is the same as the previous reporting period. Additionally, your billet description, billet accomplishments, and reporting official comments appear comprehensive, well informed, and favorable. The Board also noted the change in your RS and found no evidence that your RS was unable to accurately evaluate your performance or that your performance and conduct rated higher marks than you received. Moreover, the Board found no evidence of harassment or bias and you provided none. 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,

2/26/2025

