

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

Docket No. 12176-24  
Ref: Signature Date

Dear [REDACTED],

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 11 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 29 August 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 24 July 2023 to 21 August 2023. You also request remedial consideration for promotion to E-8. The Board considered your statement that the fitness report was issued after you were relieved for cause based on the findings of an investigation into the command climate of your company after hazing incidents in the barracks. You contend there is no factual basis for your relief and the fitness report does not reflect your character. You also contend that a failure “to maintain a positive culture within the company” is subjective at best. You claim that you were not aware of the investigation until it was over, you were not involved, and the Investigating Officer did not interview you. You also claim that you sought guidance from the Sergeant Major for your rebuttal. In hindsight, it was a mistake, he advised that you “own it” when you should disputed it. Additionally, the Reviewing Officer (RO) recommended you for promotion 30 days prior to the conclusion of the investigation.

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 fitness report is marked adverse due to your relief for cause, based upon a command investigation, which substantiated your failure to maintain a culture within the company that was beneficial to the Marines. The Board also noted that the RO concurred with the Reporting Senior (RS) and the adverse nature of the fitness report. In your statement, as the senior tactical advisor to the commander, you took personal ownership for these failings and regretted not being more aggressive in tackling these issues. You also acknowledged learning a great deal from the experience. You also explained the factors that contributed to your failure to turn the culture around. The Third Officer Sighter reviewed your statement and found no factual differences that required additional adjudication, he also concurred with the RS actions and the fitness report as it is written. The Board also determined that your reporting officials provided sufficient factual basis to support the fitness report's adversity and the PES Manual does not require reporting officials to provide details of a command investigation to establish a factual basis. The Board determined the content of your statement, indicates that you clearly understood the basis for the investigation and your relief. Moreover, the Board considered the email between the Operations Chief and RO. The Board concurred with the AO that the email indicates the RO's support to "take care of Guns," but does not explicitly declare that your relief or adverse fitness report are unjust.

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,

2/27/2025

The first two studies were conducted by researchers at the University of Michigan, who found that people who had been exposed to violence during childhood were more likely to experience mental health problems later in life. The third study was conducted by researchers at the University of California, Los Angeles, and found that people who had been exposed to violence during childhood were more likely to experience physical health problems later in life.