



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

██████████
Docket No. 12179-24
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 20 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 8 October 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 5 September 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the Annual fitness report for the reporting period 28 May 2022 to 30 June 2023 because you were incorrectly graded in Section H (Fulfillment of Evaluation Responsibilities). You contend that because you were not specifically authorized by Headquarters Marine Corps to act as a reporting official, section H should have been marked "N/O." Further, you contend this error by the Reporting Senior and the exhibited "lack of oversight" by the Reviewing Officer should invalidate the entire report because the Performance Evaluation System (PES) Manual was "not utilized in providing a fair evaluation on [your] behalf."

The Board noted the PERB modified the contested fitness report by moving the "X" from block "D" to block "H" in Section H1/Evaluations. The Board substantially concurred with the AO and the PERB Decision that the report, as modified by the PERB, is valid as written and filed, in accordance with the applicable PES Manual guidance. Specifically, the Board determined the complete removal of the report was unwarranted, unsupported by the evidence, and would be

excessive and detrimental to Petitioner's career. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

3/7/2025

