



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

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Docket No. 877-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 April 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 12 November 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), 15 August 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch, and your response to the AO.

The Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the fitness report for the reporting period 1 June 2018 to 25 March 2019 and the Field Flight Performance Board (FFPB) Report. The Board considered your contention regarding malicious actions by the Reporting Senior (RS); specifically, you were suddenly removed from the █ due to false claims by the RS. You also contend the fitness report created an inaccurate perception of your character causing significant damage to your career. You claim correspondence from the Commanding Officer, █ states that timely counseling and firmer

mentorship would have prevented your removal from the ██████████. You also claim the FFPB was not overseen by a common commander between the ██████████ and initiating unit.

In response to the AO, you further contend that the fitness report does not accurately reflect your performance and was written with artificially lowered markings to the maximum extent possible. The fitness report was authored by an individual who misrepresented events to board members and key leaders, including the Reviewing Officer, to deflect blame on you and shield himself from scrutiny. You also provided additional statements regarding the FFPB Report and the RS.

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 Marine Corps Performance Evaluation System (PES) Manual. In this regard, you argued the report was based on false accusations by your RS related to your removal from the ██████████ and malice in the preparation of your fitness report. The board, however, found no evidence to support your claims. The Board is not an investigative body; however, the Board did note that your RS's intake questionnaire and testimony was among several other questionnaires and testimonies considered by the FFPB Report. Moreover, your chain of command concurred with the recommendation for Conditional Flight Status. The Board noted that your fitness report was not adverse and did not mention the FFPB Report or its related events. Although the CO, ██████████ believed that earlier action, timely counseling, and firmer mentorship would have prevented you from being removed from the ██████████, he also noted that you displayed unsound judgment and flawed decision making in the aircraft. Ultimately, the Board found no evidence of malicious actions and determined that the ██████████ Commander and your chain of command were best situated to determine that your removal from the ██████████ was warranted. 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.

Concerning your request to remove the FFPB Report, a thorough review of your Official Military Personnel File did not reveal the FFPB Report. Accordingly, the Board recommends that you submit your request to the Commandant of the Marine Corps (ASM-52).

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,

5/7/2025

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Executive Director

Signed by: █