



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

██████████
Docket No. 928-25
Ref: Signature Date

██████████
██████████
██████████

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 11 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 15 December 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and ██████████ advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was provided to you on 15 December 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 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 July 2022 to 2 April 2023. You also request the removal of your failures of selection (FOS) and a Special Selection Board for Fiscal Year (FY) 2023 and 2025. The Board considered your contention that the Reporting Senior (RS) made unjust markings to deliberately place the report at the bottom of the profile. You also contend this was the RS's first report for captains and does not allow any future reports to be below this report without being adverse. You claim the fitness report was marked with straight 'B's, without consideration to individual attributes and the RS did not provide an initial counseling or debrief. Additionally, the Reviewing Officer (RO) was

the same grade as the RS and was not the RS's, RS, a change to the reporting chain that was not briefed and was a departure from the previous fitness reports.

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, the Board found no evidence other than your statement that your performance and conduct rated higher marks than you received. The Board noted that the PES Manual provides RS's guidance regarding the completion of fitness reports, ultimately, the RS has discretionary authority to mark attributes based upon their evaluation of the Marine's performance. The Board also noted that your billet assignment remains unchanged from the previous reporting period, and the Board found no evidence that the purported lack of counseling resulted in your inability to perform your duties. The Board further determined that the ranks of the RS and RO had no bearing on the invalidity of your fitness report. While the RS and RO were the same rank, the RO was clearly in a billet of seniority. Based on the foregoing, the Board found no basis for the removal of your FOSs or a SSB. 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,

3/26/2025

