



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

Docket No. [REDACTED]
930-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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 15 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 [REDACTED] decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB), and [REDACTED] advisory opinions (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.

The Board determined that your personal appearance, with or without counsel, would 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.

You request the Board to remove two fitness reports from your record, one covering the period 30 August 2019 to 30 April 2020 and the second, a subsequent extended report covering the period 1 May to 30 June 2020. You contend the reporting Senior (RS) was biased and not qualified due to being under investigation during the reporting periods and that the RS was not able to effectively evaluate or observe your performance. To support your contention, you reference a case involving a former co-worker, referred to here as [REDACTED] who petitioned the PERB and successfully had two reports removed. You argue that you and [REDACTED] the

same RS and experienced similar issues during the reporting period and thus you also warrant having your reports removed.

The Board concurred with the PERB that your case differs from [REDACTED] case. Number one, [REDACTED] provided the PERB a redacted Command Investigation in which [REDACTED] had made statements regarding the RS during the investigation, thereby showing there was a conflict between [REDACTED] and the RS. Number two, [REDACTED] provided a letter from the Commanding Officer (CO) who served as the Convening Authority for the Command Investigation. The letter acknowledged [REDACTED] had provided a detailed written statement outlining the inappropriate conduct of the RS and that the reporting chain was improperly not modified; the CO stated the reviewing officer (RO) should have taken the role of being the RS for [REDACTED]. Finally, the Board noted the 30 August 2019 to 30 April 2020 report is not adverse, the comments in Section I are favorable and you received "5" comparative assessment marks from the same RO prior to this one, supporting the fact that this report was fair and objective.

The Board thus concluded there was insufficient evidence to show an unfair evaluation or that the marks received were unwarranted. With respect to the 1 May to 30 June 2020 evaluation, the Board concurred with the PERB that as the fitness report was extended it did not offer any new assessment, was based on less than 90 days of observation and remain unchanged from the previous evaluation. As there were no errors or injustice warranting further action, the Board determined the fitness reports were valid and shall remain in your official military personnel file.

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,

4/24/2025

[REDACTED]