



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

██████████  
Docket No. 946-25  
Ref: Signature Date

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██  
██

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.

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 15 December 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 2 October 2024 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 chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 July 2020 to 31 August 2020. The Board considered your contention that the reporting period was less than 90 days. It is your assertion that the observation was not meaningful and direct, and the Section I comments "While this report only covers 61 days of observation, it has been meaningful and direct. In addition, it followed a 67 day period of observation in a previous reporting period, allowing for a sufficient RS/RO relationship" are factually incorrect. You acknowledge that you spent 59 days under the Reporting Senior's (RS's) observation during the previous period. Most of the days from both reporting periods were conducted via telework due to the pandemic.

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 modified in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that the PERB granted partial relief by changing the Section I, comment from 67 days to 59 days. The Board also noted that the RS properly cited an exception to the policy and sufficiently justified the basis for the exception. The Board noted, too, that the previous reporting period was not observed and determined that the combined periods of observation were sufficient for the RS to provide a fair and accurate evaluation of your performance. The Board also determined that your assertion regarding telework lacks merit. The PES Manual does not require the Marine and reporting officials to be co-located for effective observation to occur. 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,

5/7/2025

