



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

Docket No. [REDACTED]
957-25
[REDACTED]
[REDACTED]
[REDACTED]

Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED],

This is in reference to your applications 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 applications 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 14 November 2024 decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 16 August 2024 advisory opinions (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The PERB Decisions and the AOs were provided to you on 14 November 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 requested the Board remove five fitness reports from your record: (1) 21 May to 31 December 2018; (2) 1 January to 30 July 2019; (3) 26 September to 31 December 2019; (4) 1 January to 31 December 2020; and (5) 1 January to 28 February 2021. You argue the Reporting Senior (RS) created an unprofessional and toxic workplace by making remarks that were biased with regard to race, gender, and sexuality. You contend you challenged that behavior and as a

result, you received unfair remarks on your fitness reports. You submitted three letters from fellow staff sergeants to support your contentions.

Upon review, the Board concurred with the AOs that these allegations should have been addressed via the Marine Corps Prohibited Activities and Conduct (PAC) Prevention and Response process. The Board noted no evidence was provided to demonstrate that a PAC complaint was made. In addition, the Board found the letters you provided did not describe specific instances that would relate to the fitness reports in question and did not state whether your billet was the same, to show a discrepancy on how you were evaluated vice the other staff sergeants. Moreover, the Board noted that three different Reviewing Officers (RO) "Concur" with the RS's evaluations during their observation periods. Finally, although the Board found there was potential bias, there was not any evidence on how your performance and conduct warranted higher marks than what was recorded on the challenged fitness reports. Consequently, the Board concurred with the Advisory Opinions that there was insufficient evidence of error or injustice to warrant the removal of these reports. 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,

4/28/2025

