



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. 975-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 20 May 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 January 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and 23 August 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was provided to you on 14 January 2025, 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 carefully considered your request to remove the fitness report for the reporting period 2 September 2020 to 3 January 2021 and replace it with a not observed fitness report. The Board considered your contention that the reporting period is 125 days but should have been not observed when periods of leave, temporary duty, and special liberty are accounted for. You claim those periods account for 42 days of non-availability. You also contend the Reviewing Officer (RO) did not meet the minimum requirements and failed to include comments evaluating your potential for command assignment, resident Professional Military Education (PME), or retention. You further contend the Reporting Senior's (RS) comments are incongruent with the value of the report, there is ambiguity between the RS marks and comments, which are misaligned with a bottom-anchor performance. You also claim the fitness report has adversely affected your potential for command selection, top level school, and will likely negate your potential for advancement. Additionally, the fitness report is misaligned with the Marine Corps Performance Evaluation System (PES) Manual and depicts an inconsistent picture when

compared with your remaining reports as a field grade officer and constitutes an unfair evaluation of your potential.

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 PES Manual. In this regard, the Board determined that your leave, temporary duty, and special liberty periods do not constitute periods non-availability. The 42 days are not consecutive and do not meet PES Manual criteria for non-availability. The Board noted the RO comments and found them sufficient and in compliance with the PES Manual. The RO is not required to specifically address your potential for command or resident PME. Regarding the RS comments, the Board also noted that the PES Manual does not provide a scale to match attribute marks against RS comments. The Board also determined that your dissatisfaction with the relative value of the fitness report is not a basis for corrective action. Moreover, the impact of the fitness report on your future opportunities is speculative and does not constitute a basis for removal. 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,

6/4/2025

