



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

██████████
Docket No. ██████████
Docket No. 984-25
Ref: Signature Date

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Dear Petitioner:

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 29 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 17 October 2024 advisory opinions (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AOs were provided to you on 14 November 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 April 2021 to 30 June 2021 and 1 July 2021 to 31 May 2022. The Board considered your statement that prior to the reporting period you were arrested in connection with an incident in ██████████ but you were released the same day without any charges, penalties, or fines. Upon returning to your command, you were reassigned from your position as an Instructor to the Recruit Liaison Section. You contend the reports are unjust and unwarranted because you were not charged with any crime. You claim the reports do not accurately reflect the responsibilities associated with the Recruit Liaison role, the Reviewing Officer (RO) lacked insight into the

professional duties you performed, and the reports were submitted without proper counseling. You also claim an administrative separation panel concluded that you were cleared of any wrongdoing.

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 reports. The Board determined that your fitness reports are valid as modified in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. The Board noted that the PERB approved a correction to your record by removing the statement, "with limited supervision" from Section I of both fitness reports. The Board also noted that your fitness reports are not adverse, and do not include comments related to the incident noted in your petition. Moreover, the findings by your administrative separation board have no bearing on the fitness report process or your RS's discretion when evaluating your performance and conduct. The Board also found no evidence that your reporting chain failed to accurately evaluate your performance, and you provided none. 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,

5/9/2025