



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

██████████
Docket No. 1020-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 June 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 12 November 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 6 August 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the Change of Reporting Senior (CH) fitness report for the reporting period 2 March 2011 and 12 May 2011. You contend the report has "unique circumstances" which do not align with the Performance Evaluation System (PES) Manual. You further contend the Reporting Senior (RS) and Reviewing Officer (RO) did not have sufficient observation time. Additionally, you contend the RO's low assessment was "driven by the belief that [you were] responsible for a liberty incident during the deployment and reporting period" and, further, the RO "self-admitted" to your subsequent company commander that he confused you with an adjacent platoon commander who was responsible for the incident. You also contend your overall record "demonstrates that this report is an anomaly." In support of your request for removal, the RS provided an endorsement stating "lack of observation time was undoubtedly a contributing factor to [his] low evaluation" because "the allotted observation time and operation tempo" were insufficient to effectively evaluate you. The RS further

confirms you were not involved in any liberty incidents but states it is “[his] believe the RO was confused about [your] role in a liberty incident.” In conclusion, the RS “highly recommended” removal of the CH fitness report.

The Board, however, determined the CH fitness report was valid as written and filed, in accordance with the applicable PES Manual guidance. The Board, substantially concurring with the AO, noted that, even considering the RS’s letter in support of your request, there is insufficient evidence of an error or injustice because neither yourself nor the RS provided any “concrete evidence” the RO’s evaluation was based on a liberty incident because the RO’s comments do not mention a liberty incident nor is there “direct evidence the marking was delivered as a result of the incident.” Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

6/16/2025

