



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

██████████
Docket No. 1076-25
Ref: Signature Date

██████████
████████████████████
████████████████████
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 11 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 15 December 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 21 October 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23), and your rebuttal to the PERB decision dated 4 February 2025.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify the TD fitness report for the reporting period 14 February 2021 to 30 April 2021 by changing the Reporting Senior (RS) portion from observed to unobserved while retaining the Reviewing Officer (RO) marks because the RS had "zero dates of direct observation during the reporting period" and the report, as currently written, inaccurately portrays your performance for the reporting period. You contend you requested an unobserved report at the time of submission but your request was denied. You further contend the RS explained that the RO had nearly 18 months of prior observation and therefore the "RO's marks would balance out the RS marks." Additionally, you contend the RO acknowledges the error and "it seems within the spirit of the evaluation process to remove the RS's markings and allow the RO marks to stand." In support of your contentions, you submitted numerous email

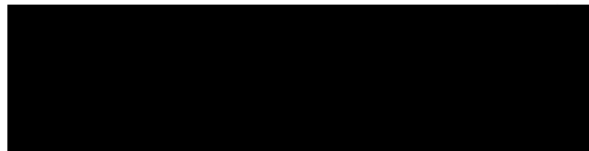
discussions. Further, in response to the PERB's denial of your request, which went against the AO's recommendation, you submitted a rebuttal statement highlighting inconsistencies between the AO and PERB's decision. You also specifically contend it is your belief that if the PERB was aware of the RO's "admittance to the FITREP error," your application would have been approved.

The Board, in alignment with the PERB decision, determined the TD fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. The Board, noting the PES Manual specifically states a RS must submit observed reports for periods covering 31 days or longer for "all reports on active duty lieutenants who have completed their primary MOS school," determined the AO was in error in its discussion of the report falling short of the 90-day minimum observation requirements. In its careful consideration of the submitted email discussions, the Board noted the discussion between the RS and yourself regarding the requirement for an observed report since the report covered more than 30 days and further noted your own agreement that the "COA is not an option because [the reporting period] was slightly more than 30 days." 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,

6/17/2025

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Deputy Director

Signed by:

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