



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

[REDACTED]  
Docket No. 1080-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) Fitness Report for the Reporting Period 3 September 2020 to 1 May 2021  
(3) Advisory Opinion by MMPB-23 Memo, 25 September 2024  
(4) 1610 MMPB-21D/PERB Memo, subj: Performance Evaluation Review  
Board (PERB) Decision ICO [Petitioner], 15 December 2024

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting modification of his fitness report at enclosure (2) to amend the end date to reflect 31 May 2021 and then remove the report from both his official military personnel file (OMPF) and Master Brief Sheet (MBS).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 June 2025, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (2), a Grade Change (GC) report for the reporting period 3 September 2020 to 1 May 2021. Block 1e reflects his grade as captain, and throughout sections I and K, the Reporting Senior and Reviewing Officer refer to Petitioner as "captain."

c. Petitioner contends the GC fitness report should be amended to end on 31 May 2021 to prevent potential date gaps. Furthermore, he contends the report should be removed from his OMPF and MBS because he was promoted to major in May 2020 and did not hold the rank of captain at any time during the reporting period of the contested report. Enclosure (1).

d. On 15 December 2024, the Performance Evaluation Review Board (PERB) considered Petitioner's application at enclosure (1). The PERB considered the favorable Advisory Opinion (AO) at enclosure (3) provided by Headquarters Marine Corps (MMPB-23) on 25 September 2024,

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but denied Petitioner's request to modify and/or remove the contested report. The AO at enclosure (3) determined Petitioner had demonstrated a significant error/injustice warranting the removal of the contested GC fitness report. Specifically, the AO noted Petitioner was promoted to major on 1 May 2020, one year before the end date of this contested report, and Petitioner's OMPF and MBS both indicate he received a GC fitness report for the reporting period 29 March 2019 to 1 May 2020. Further, the AO indicates there is no evidence in Petitioner's OMPF to suggest he reverted to the rank of captain during the reporting period. With respect to Petitioner's request to modify the end date of the reporting period, the AO determined Petitioner's request should be denied because, since the date of his petition, Petitioner has been given a not observed fitness report covering 2 May 2021 to 31 May 2021. Enclosure (3) and (4).

## CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants partial relief. Relying on enclosure (3), the Board determined the GC fitness report at enclosure (2) is in error and should be removed from Petitioner's OMPF and MBS. The Board, in its review of Petitioner's OMPF, confirmed his record does not contain any documentation to support the possibility he was reverted to captain during the reporting period. Further, the Board considered just changing the occasion and the listed rank on the contested report but determined the reviewing officials repeatedly referred to Petitioner as a captain so it is unclear whether they evaluated his performance based on that rank. Based on the available evidence and relying on the AO, the Board determined the error warrants removal. However, the Board also concurred with the AO regarding Petitioner's request to amend the reporting period dates and determined the reporting period should remain unchanged.

## RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the GC fitness report for the reporting period 3 September 2020 to 1 May 2021.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/18/2025

[REDACTED]