



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

██████████
Docket No. 1158-25
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 13 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 15 December 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and 26 November 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AO was provided to you on 15 December 2024 and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 April 2023 to 30 August 2023. The Board considered your contention that your command used the evaluation as a counseling document; which goes against the Marine Corps Performance Evaluation System (PES) Manual. You claim that you had no negative paperwork prior to this fitness report, were relieved without having any formal acknowledgment of deficiencies, and not given an opportunity to improve. You assert that your previous fitness reports detail satisfactory performance; which contradicts the statements in the contested fitness report that you had poor performance and had been counseled prior to receiving the report. As evidence, you provided the results of a Financial Liability Investigation.

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 noted that your fitness report was rendered adverse due to your relief as the Advanced Training Platoon Commander for substandard performance and ongoing failures of three subsequent inspections after a Simple ██████████ was reported missing during a routine company inspection. The Board also determined that your fitness report meets the PES Manual definition for performance-based adversity and your reporting officials provided sufficient justification to support performance-based adversity in accordance with the PES Manual. The Board further determined that the fitness report was not used as a counseling tool. Each reporting period is separate and distinct; therefore, your previous fitness reports and lack of prior poor performance have no bearing on the validity of the contested fitness report. Moreover, your assertion based on the Financial Liability Investigation lacks merit. Your fitness report was rendered adverse due to your failure to pass inspections of your area of responsibility, not because you were financially responsible for the missing SKL. 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,

5/30/2025

