



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

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Docket No. 1164-25
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 18 October 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 21 January 2022 to 31 May 2022. The Board considered your contention that your Reporting Senior (RS) assumed you were on the autism “spectrum,” stated that you needed to be checked to see if you had autism, the claim was unwarranted, and the RS should not have made improper comments about a potential disorder. You also contend the adverse remarks lack sufficient justification for their severity, counseling sessions regarding substandard performance should be documented according to the Marine Corps Performance Evaluation System (PES) Manual, and you had little time to remediate or perform better prior to the end of the reporting period after receiving two counseling letters. You also checked the “Other Mental Health” box on your application and, as evidence, provided a May 2022 neuropsychological evaluation report that annotated you were diagnosed with an adjustment disorder and past history of a learning disorder.

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 substandard performance, challenges in receiving and conveying information effectively, and the Section A.7. mark not recommending you for promotion. 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. Other than your statement, the Board found no evidence that your RS assumed you were on the autism spectrum and stated that you needed to be checked. Rather, based on your statement and the statements of your reporting officials, you were counseled regarding substandard performance. The PES Manual does not require you to be issued a Page 11 entry to render a fitness report adverse. 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

