



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. 1167-25
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 18 December 2024 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and 25 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 18 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 determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove or modify the fitness report for the reporting period 1 June 2021 to 5 November 2021 by changing the dates of the fitness report to reflect 29 August 2021 to 5 November 2021 and by inserting an administrative filler for the period between 1 June 2021 to 28 August 2021. The Board considered your statement that the Reviewing Officer (RO) was relieved for cause in August 2021, you were assigned a new Reporting Senior (RS) and RO; which warranted a Change of RS fitness report in accordance with the Marine Corps Performance Evaluation System (PES) Manual. You claim the new RS arrived on 29 August 2021 and wrote the contested fitness report covering the entire period from

1 June 2021 to 5 November 2021. You contend the reporting period should have started on 29 August 2021 and the period between the last fitness report and the start of the contested fitness report should have been not observed. You also contend the new RO served aboard a different ship and was unable to effectively observe your performance as evidenced by the lack of information in Section K. Additionally, the modification to the reporting chain was not explained in Section K; therefore the fitness report was not written in accordance with the PES Manual and was not a fair assessment of your performance.

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 modified in accordance with the applicable PES Manual. In this regard, the Board noted that the PERB approved a correction to your record by adding the Section I directed comment, "Period of RS non-availability: 20210601 to 20210828. Due to a modification of the reporting chain, the RS was not deployed with the █ as the HMLA Detachment OIC until 29 Aug 2021." The Board also determined that the balance of your fitness report is valid and the RO's failure to document the change in your reporting chain is an administrative oversight which does not invalidate your fitness report. 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

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