



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

██████████
Docket No. 1171-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. 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 carefully considered your request to modify the fitness report for the reporting period 26 June 2019 to 30 September 2019 by changing the comparative assessment mark from block "5" to block "6." If approved, you request removal of your failures of selection. The Board considered your contention that the Section K comments communicate identical messaging as a previous fitness report and the comparative assessment was marked lower although it was the second fitness report observed by the same Reviewing Officer (RO). You also contend the Marine Corps Performance Evaluation System (PES) Manual's guidance states "a MRO you are assessing in back-to-back reporting periods, and whose performance remains constant, should receive at least the same mark as you assigned to the prior report." You claim you did not receive an explanation for the lower comparative assessment.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting modification 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 billet assignment and Reporting Senior changed during the contested reporting period. Accordingly, your performance could not be assessed as constant when compared to the previous reporting period. The Board also determined that the PES Manual does require ROs to evaluate a Marine's performance consistent with the previous comparative assessment mark. Moreover, your fitness report is not adverse; therefore, the RO was not required to explain his comparative assessment mark. 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

