



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. 1181-25
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 20 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. In addition, the Board considered the █ decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and █ 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 did not 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 the fitness report for the reporting period 1 June 2018 to 24 March 2019. The Board considered your contentions that your chain of command grossly misapplied governing legal authorities, improperly lowered your fitness report evaluation rendering it adverse, and improperly drafted a formal written counseling. You also

contend that your chain of command issued a Report of No Misconduct but included substandard performance, improperly directed a Board of Inquiry, and interfered with your timely promotion to your current rank.

In its review of your case, the Board noted that your contentions regarding your counseling entry, Report of No Misconduct, BOI and promotion were previously adjudicated by a previous Board under Docket No. NR20240001430. Therefore, the Board only considered contentions related to the removal of your fitness report. In this regard, the Board 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 Marine Corps Performance Evaluation System (PES) Manual. The Board noted that the PERB considered the [REDACTED] AO furnished by the Military Personnel Law Branch and approved a correction to your record by removing any reference to your 28 December 2018 and 24 March 2019 counseling entries. The Board also noted that your fitness report was rendered adverse due to your relief from command, failure to take corrective action, and Section A.7 mark not recommending you for promotion. In support of the adverse mark for "Performance," your Reporting Senior (RS) noted two instances that occurred in February and March involving unprofessional conduct in public with a senior enlisted Marine and unauthorized search of living spaces. The RS also noted that you were relieved after forging an official document and lying when confronted by the Executive Officer. The Board therefore determined that the balance of 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 thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting additional 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,

6/5/2025
