

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 1240-25 Ref: Signature Date

Dear

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 2 July 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 17 January 2025 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 1 August 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to modify the annual (AN) fitness report for the reporting period 1 January 2019 to 31 December 2019 by adjusting the letter grade markings as requested by the Reporting Senior (RS) whom you contend did not have enough observed time to develop a working relationship with you. You further contend the markings are inconsistent with the RS's section I comments and, since he was "new at writing reports", he did not "understand the impact of markings that are not commensurate with his section I comments while building his profile." In support of your request, the RS submitted a letter requesting modifications because he "improperly managed [his] profile, leaving a lasting negative impact on [your] career." Specifically, the RS requested to "alter the markings" on the contested fitness report<sup>1</sup>.

-

<sup>&</sup>lt;sup>1</sup> In his letter, the RS submitted a chart which listed the attribute, current markings, and "new" markings.

The Board, however, determined the AN fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board, substantially concurring with the AO, noted your petition and the RS's letter lack new facts that were not available during report processing and do not provide any stated justification for the upgrade of the nine attributes. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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.

