



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

██████████
Docket No. 1260-25
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, as well as 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 12 November 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 1 September 2013 to 16 January 2014 by changing to be not observed. The Board considered your contention that the report period covers a temporary assignment for 37 days as well as multiple holiday and liberty periods. You claim the remaining observed period was after you presented a request to voluntarily termination your flight orders, it was dominated by meetings, and does not meet the standard of "meaningful personal contact that is not normally obtainable in a standard work setting." You also claim the RS used the report to adjust his profile and, when asked about the low ranking, the RS stated that he took your decision to request to terminate flight orders into account when determining his rankings and future boards would likely disregard reports from your time as a pilot.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting a not observed 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. In this regard, the Board noted that the PERB approved a correction to your record by inserting the Section I Directed Comment: "Period of MRO Non-Availability: 20130926 to 20131101. During this time, MRO supported Weapons and Tactics Instructor Course [REDACTED] as an Operations Duty Officer." The Board determined that your leave and special liberty periods are not consecutive and do not meet PES Manual criteria for non-availability. Additionally, other than your statement, the Board found no evidence that your RS used the fitness report to adjust his profile. 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,

6/4/2025
