



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. 1345-25
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 16 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 16 January 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and 2 January 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your fitness report for the reporting period 1 July 2017 to 9 October 2017. If removal is not granted, you request to modify the report to be not observed. If approved, you request removal of your failures of selection. The Board considered your contention that your fitness report is unjust and not in accordance with the Marine Corps Performance Evaluation System (PES) Manual; which directs reporting officials avoid documenting minor flaws or mistakes unless they significantly impact the Marine's initiative, leadership potential, or ability to accomplish the mission. You claim that both the Reporting Senior (RS) and Reviewing Officer (RO) acknowledged your initiative and leadership in the evaluation. You also contend codes "U" or "X" only result in an adverse report if the RS determines the Marine was negligent in failing to qualify. You claim the RS did not claim negligence but instead noted that you "chose" not to qualify. The RS did not address any lack of diligence in Section I or provide details justifying a determination of negligence.

The Board, however, concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal or 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 you were issued an adverse fitness report for failing to complete the annual rifle range requirement. The Board also determined that your RS properly marked Section A, Item 5a "Adverse" and Section A, Item 8a with an "X." According to the PES Manual a "directed comment is required for codes "U" or "X". If the RS determines that the MRO was complicit or negligent, they must provide details that lead them to that conclusion." Your RS properly noted that you "chose to not qualify on the rifle as was required during this time period." Your RO concurred with the RS markings, comments, and adverse nature of the report. You availed yourself of the opportunity to provide a statement. In your statement, you admitted to removing yourself from an assigned range week on your own accord and understood the potential consequences of your actions. The Board further determined that your RS's Section I statement clearly indicates his determination that you were complicit and he did not concur with your belief that your assigned duties were more important. Accordingly, your failure to complete required training warranted an adverse 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,

8/7/2025

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Executive Director

Signed by: █