



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

[REDACTED]
Docket No. 1348-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 10 September 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), the 5 January 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23), and your response to the AO.

The Board determined that a personal appearance with or without counsel would 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 your fitness report for the reporting period 1 June 2021 to 24 June 2022. You also request to remove your failures of selection (FOSs) for Fiscal Years (FYs) 2024 to 2026. The Board considered your statement and contentions that your fitness report is erroneous, inaccurate, and unjust. Specifically, the Reporting Senior (RS) included inaccurate information due to his lack of objectivity and erroneous perception of your performance and failed to provide a factual basis for his assessment. You also contend that the Reviewing Officer's (RO) comments are erroneous and

unsupported, the Third Officer Sighter (3OS) comments are incorrect, and the fitness report contains multiple administrative, factual, and processing errors.

In response to the AO, you argued that even assuming that the report is administratively accurate, the report is unjust because it assesses your performance as unsatisfactory and adverse without the RS providing any prior negative performance counseling. The AO and denial serve as an arbitrary and capricious denial of relief because it did not critically review your adverse report. You also argue that the AO provides only a surface-level review for administrative error, fails to assess the report's probable material error, and wrongly concludes the supporting enclosures are irrelevant. Further, the AO incorrectly places undue weight on prior denials of relief and is silent on the injustice of the issuance of an adverse report with no prior performance counseling.

The Board, however, affirmed the previous Board's decision and 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 written and filed in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. According to the PES Manual, "Performance-based adversity reflects shortcomings identified with MRO's performance. Generally, performance-based adversity refers to the MRO's repeated inability to meet the RS's expectations and accomplish the requirements of their assigned billet, or when the MRO fails to demonstrate the professional abilities commensurate with their grade and experience." As justification for the adverse marks, your RS states that you "repeatedly did not display the ability to carry out assigned and routine leadership tasks for the Marine Corps Shooting Team" and you "required an unusual amount of guidance and supervision for a Marine leader of . . . rank and experience." Further, in Section I, the RS specifically states, "MRO was relieved of his duties for failing to meet expectations." The Board noted that the PES Manual only requires the RS to "describe the MRO's action or inaction that is deemed adverse." There is no requirement for the RS to provide a comprehensive analysis of that action or inaction. Despite your disagreement with the basis for your relief for cause and the adverse nature of your fitness report, this Board agreed with the finding that your reporting official's justification was sufficient to support your relief for cause due to performance-based adversity. The Board also determined that your statements are subjective opinions and found your evidence insufficient to support your contention that the RS lacked objectivity and had an erroneous perception of your performance. Despite the character statements you provided, the Board concurred that the statements are insufficient to invalidate your fitness report. The Board further determined that the RS was best situated to evaluate your performance and to determine whether your performance met his expectations. Additionally, each reporting period is separate and distinct, therefore, past and future fitness reports have no bearing on the legitimacy of your contested fitness report.

Concerning your contention that the RO's comments are erroneous and unsupported, the Board determined that this contention also lacks merit. The Board noted that the RO marked you in block three of the comparative assessment despite the adverse nature of your fitness report. The RO's comments simply state that he concurs with the RS's marks and comments, and after reviewing the facts and points brought up by you and the RS, he is satisfied with the assessment.

The Board found nothing in the RO's statement that could be considered erroneous or unsupported.

Concerning your contention that you were not counseled prior to being relieved for cause, the Board determined that your contention lacks merit and is unsupported by sufficient evidence. In this regard, the Board concurred with the AO that counseling takes many forms, and a formal counseling entry is not required to render a fitness report adverse. The Board noted that the PES Manual recommends documenting the basis for a relief for cause in a counseling entry but does not require a formal counseling entry. In Section I, your RS states, "... did not meet my clearly and often reinforced leadership expectations and was relieved from his position after sufficient feedback, guidance, and time for correction action was provided." The Board determined that the RS's statements sufficiently indicate that counseling did occur in the form of clear expectations, feedback, and routine guidance.

Concerning the purported process errors, the Board noted your statements regarding a curtailed timeline to provide a response. However, the Board also noted that you provided a statement in response to the RS's comments and you had an additional 30 days during which you were able to formulate an additional statement in response to the RO comments. In his capacity as the 3OS, the Commanding General (CG) reviewed your statements, found no factual discrepancies or administrative errors, and addressed your complaint that you were never counseled. The CG determined that your complaint does not detract from the responsibility or corrective action of your commanding officer from removing you from command for what the RS determined to be substandard performance of a leader. Ultimately, the Board found sufficient evidence that counseling was provided and determined that the commanding officer, as your RS, acted within his discretionary authority and provided sufficient justification that your performance did not meet his expectations. Moreover, the Board is not an investigative body and relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption and thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action to the fitness report. Therefore, the Board also found no basis to grant your request to remove your FOSs. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.


Concerning the Letter of Appreciation you provided and purported administrative errors, the Board determined that you must exhaust your administrative remedies with the Marine Corps. According to the PES Manual, administrative corrections require you to submit a correction request to Headquarters U.S. Marine Corps (MMPB-23C).

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,

9/30/2025



Executive Director

Signed by: HILLELIZABETH.ANNE.1106915438