



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. 1350-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 13 August 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 the 25 October 2024 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 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 modify your fitness report for the reporting period 1 April 2023 to 29 February 2024. The Board considered your contention that your Reporting Senior (RS) intentionally downgraded your award from a Navy and Marine Corps Commendation Medal (NCM) to a Navy and Marine Corps Achievement Medal. You also contend that the 80.00 percent relative value does not meet the standards expected of a fitness report that included commendatory material. You claim your RS was aware of an ongoing award submission and could have included the award, approved on 29 April 2024, in a report ending 9 May 2024 (when the RS departed the unit). You also claim your RS was hesitant to initiate an award recommendation for the NCM and was unwilling to present the case to the

Reviewing Officer, who was the awarding authority. Despite being knowledgeable about the Marine Corps Performance Evaluation System (PES) Manual, the RS closed the reporting period to avoid the responsibility of writing a commendatory fitness report.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting 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 found no evidence that your RS intentionally downgraded your award or ended the reporting period to avoid marking the fitness report commendatory and you provided none. The Board noted that your award was not approved until after the end of the reporting period, was properly documented in your subsequent fitness report ending 7 June 2024, and the PES Manual prohibits discussing pending award recommendations. The Board also agreed with the AO that your reporting occasion and end date of your fitness report are appropriately indicated. 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 also indicate in your application that you are the victim of reprisal. The Board, however, determined that there was insufficient evidence to conclude that your personal award and fitness report were submitted as reprisal in violation of 10 U.S.C. § 1034. In making this determination, the Board found no evidence other than your statement that your personal award and fitness report were issued as a reprisal action.

10 USC § 1034 provides the right to request Secretary of Defense review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoD policy you have the right to request a review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a de novo review and under 10 USC § 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR; therefore, please also include previously presented documentation that supports your statements.

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,

8/25/2025

