



**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. 1347-25  
Docket No. 1431-25  
Docket No. 1437-25  
Docket No. 1727-25  
Ref: Signature Date

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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 applications, 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 decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 13 November 2024 advisory opinions (AOs) provided to the PERB by the Manpower Management Division Records and Performance Branch. The AOs were provided to you on 16 January 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to modify your fitness report for the reporting period 29 April 2023 to 18 July 2023 and to remove your fitness reports for the reporting periods 30 November 2014 to 9 April 2015, 10 April 2015 to 20 November 2015, and 5 September 2019 to 21 May 2020. If removal is approved, you request to remove your Fiscal Year (FY) 2026 failure of selection (FOS) and to be granted a Special Selection Board (SSB). The Board considered your contentions and made the following decisions regarding each fitness report:

*Fitness report for the reporting period 29 April 2023 to 18 July 2023*

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You contend the Reviewing Officer (RO) retired, and in his rush, he made an administrative error. Specifically, the Section K comments lacked intended amplifying information. As evidence, you provided correspondence from the RO that includes additional Section K comments.

The Board concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting modification of your fitness report. In this regard, the Board noted that your fitness report is not observed and it was marked "insufficient" by the RO due to lack of observation. As a not observed report, the Marine Corps Performance Evaluation System (PES) Manual directs ROs not to complete items 2 through 4 unless directed. In this case, the Board determined there is no requirement or basis for additional RO comments. Additionally, the RO's correspondence did not indicate a request to change his observation status from "Insufficient" to "Sufficient" or to provide a comparative assessment rating.

*Fitness reports for the reporting periods 30 November 2014 to 9 April 2015, 10 April 2015 to 20 November 2015*

You contend your fitness reports reference a medical incident which is irrelevant to performing assigned duties and did not occur during the reporting period. You claim the medical incident was used as an excuse to rank you in a lower category which has skewed your performance reviewing summary data in a negative manner. You also contend the discrimination against a perceived disability influenced the fitness report. It is inappropriate and unfair to reference anything medical related which does not directly impact assigned duties. Because the fitness report violates the PES Manual, it should be considered invalid and thus removed from your record. You also claim this directly affected the FY 2026 Lieutenant Colonel (LtCol) promotion selection board (PSB) during which you were not selected.

The Board 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 noted that Section I of your fitness reports included statements regarding your inability to perform your primary duties as an aviator due to medical grounding, a pending medical waiver, and placement on medical hold. The Board also noted that the PERB concluded that your fitness reports were in error. The errors were unrelated to your contentions about your medical status, instead the PERB noted that the reporting periods fell prior to your attainment of a Primary Military Occupational Specialty, which constituted the evaluation of an untrained officer. The PERB corrected your record by changing your fitness reports to be not observed. The Board determined the PERB corrections sufficiently addressed the errors in your record. The Board also determined that removal of your fitness reports is unwarranted.

*Fitness report for the reporting period 5 September 2019 to 21 May 2020*

You contend the fitness report does not paint an accurate and fair picture of you, and your reporting officials never provided fair or realistic expectations. You also contend the RO failed to uphold the standard and intent of the PES Manual during the COVID-19 pandemic and failed

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to follow PES Manual recommendations. The RO is required to characterize his level of observation. You claim the RO was unable to interact with you due to COVID-19 restrictions and there was no mention of this by the RO. You also claim this directly affected the FY 2026 LtCol PSB during which you were not selected. As evidence, you provide correspondence from your RS addressed to the LtCol PSB.

The Board 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. In this regard, the Board considered your RS's correspondence to the PSB and noted that while he clarified the unique dynamics of his profile and expressed his support for your selection, your RS affirmed that your "performance evaluations are fair and accurate for the time." The Board determined your claim that your reporting officials never provided you with fair or realistic expectations is not supported by evidence. The Board also determined that reporting officials are not required to be co-located for valid observation to occur and the PES Manual does not require reporting officials to comment on the quantity of their observation. The Board further determined that your dissatisfaction with or perceived competitiveness of a fitness reports' relative value is not a basis for removal.

Regarding your request to remove your FOS, the Board concurred with the AO that your claims that the contested fitness reports caused you to fail selection are speculative and not supported by evidence. Concerning your request for an SSB, the Board determined that you must exhaust your administrative remedies with the Marine Corps by submitting a request in accordance with SECNAV Instruction 1402.1 to the Officer Promotions Branch.

In conclusion, the Board determined that your fitness reports are valid as filed in accordance with the applicable PES Manual. Accordingly, given the totality of the circumstances, the Board determined that your requests do 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,

7/14/2025

