



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. 1448-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 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 12 November 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and 5 August 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify the fitness report for the reporting period 23 December 2016 to 31 May 2017 by removing all marks on the contested report to reflect the reporting period was non-observed. Specifically, you contend the report period was only 106 days of observed time due to a permanent change of station and associated leave. Further, you explain that the "required familiarization and qualification process, coupled with a break in the ITX schedule" restricted you to an "observation role" during the reporting period and, through no fault of your own, you were "not assigned duties or afforded the opportunity to demonstrate capability or proficiency." In support of your contentions, you submitted the letter your

Reporting Senior (RS), who is now retired, submitted to the President, Fiscal Year 2026 Active Duty Lieutenant Colonel Promotion Selection Board (PSB). In the letter, the RS of the contested report explained the command's unique mission and your limitations during the reporting period due to that mission. The RS further recommended you for promotion to Lieutenant Colonel stating "I do not believe this report provides a just measure of the Marine or his capabilities."

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board, concurring with the AO and noting you did not provide new facts that were not available at the time of processing the fitness report, determined the report was valid when written and remains valid. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your request to modify the contested report. 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,

9/5/2025

