



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

█  
Docket No. 1450-25  
Ref: Signature Date

█  
█  
█

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), the 28 August 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23), and your rebuttal of 14 February 2025.

The Board carefully considered your request to modify<sup>1</sup> the fitness report for the reporting period 16 February 2015 to 17 May 2015. You stated the report covered 91 days, including two leave days and 26 total non-working days and there was "no meaningful personal contact" between yourself and the Reporting Officials during this short period. You also make the following summarized contentions:

1) The reporting period of the contested report should have ended on 14 May 2015; the same date used in your end-of-tour (EOT) award vice the 17 May 2015 date.

---

<sup>1</sup> Specifically, you requested the following changes: 1) Make it non-observed, 2) Section A Items 5b and 7c be marked with an "X," 3) Delete all info in Section C and pages 2-4 containing sections D through H, 4) Delete all Section I comments, 5) Add Section I comment "This report is not observed due to insufficient observation time," 6) Section K1 checked box be changed from "sufficient" to "insufficient," and 7) Delete all Section K4 comments

2) The “spirit of the law” of the Performance Evaluation System (PES) Manual dictates that less than 90-days observation is not sufficient to provide a fair assessment of your performance.

3) The report is in error because the Reporting Senior (RS) was the same grade as you and the Reviewing Officer (RO) did not include the required verbiage in Section K authorizing the RS to write a report on you, a Marine of the same grade.

4) Two career counselors indicated after your non-selection at promotion selection boards that “the numbers matters” and, even though your RS previously convinced you that promotion board members “would look favorably at the word picture,” the numbers are negatively impacting you.

5) The RS initially agreed to provide a memo in concurrence with your contention the report should be not observed but he later changed his mind. However, the RO, while serving as the Executive Officer, Vice Chairman of the Joint Chiefs of Staff, provided a letter to the Fiscal Year 2026 Promotion Selection Board (PSB) to “provide additional understanding of [his] observations of [you].” In his letter of recommendation, the RO requested the PSB briefer and board members “focus on [the] Section I and K comments...vice the scores attributed to the RS and RO markings...as these comments speak more accurately to [your] actions, capacity, and potential than their numerical values.”

6) The billet, RS’s grade, and length of the reporting period contributed to lower markings and not your performance.

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable PES Manual guidance. The Board, after carefully considering your contentions as summarized above and fully discussed in your submission and rebuttal, determined there is insufficient evidence the RS and RO erred by choosing to observe your performance during the short reporting period. The Board considered the end date provided in the EOT award but determined the summary of action end date does not necessarily need to coincide with the end date of a fitness report. The Board also noted your explanation of how the same-grade status of the RS affected the evaluation but determined you have provided insufficient evidence to establish that the decision by the RO to allow the RS to observe your performance was a material error or unjust. Finally, the Board determined it was conjecture that your billet, RS’s grade, and length of reporting period all contributed to your lower marking. Thus, the Board concluded there is insufficient evidence of an error or injustice warranting your requested modifications to 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,

9/2/2025

