



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

[REDACTED]
Docket No. 1714-25
Ref: Signature Date

[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.

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 11 February 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 7 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 May 2023 to 11 June 2024. The Board considered your contention that your Reviewing Officer (RO) previously evaluated you in block “5” of the comparative assessment; however, evaluated you in block “4” without any explanation or counseling for the contested reporting period. You also contend the language used by the RO appears derogatory; specifically, the statement, “does the best work when my intent is thoroughly explained.” Further, at no time did the Reporting Senior (RS) inform you that his/her portion of the report was complete and did not

discuss the comments with you prior to routing the report to the RO. You claim that you were not briefed by your reporting officials on their expectations with regards to performance.

In response to the AO, you claim that you submitted contemporaneous communications requesting feedback from your reporting officials; which were ignored or not responded to in a manner consistent with the Marine Corps Performance Evaluation System (PES) Manual. You argued that the assertion that the RO does not need to justify a downgrade unless the report is “unsatisfactory” undermines the purpose of maintaining fairness and transparency in the evaluation system. Further, there is no supporting documentation or counseling that reflects a need for the contested comment, and this report adversely impacts your Master Brief Sheet and overall professional record.

The Board, however, 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 PES Manual. The Board noted that the PES Manual provides ROs guidance when assessing back-to-back performance but does not mandate that the Marine receive the same mark as the previous reporting period; nor is the RO required to counsel the Marine if the comparative assessment is marked lower than the previous report. Further, the PES Manual does not require the RO to justify a reduction in the comparative assessment unless your performance is deemed unsatisfactory. In your case, your performance was not deemed unsatisfactory or adverse. The Board found no evidence that the comparative assessment mark was unwarranted or that your performance and conduct warranted a higher mark than you received. Concerning the contested RO comment, the Board agreed with the AO that the complete statement, “A capable officer that does the best work when my intent is thoroughly explained” reflects the RO’s objective assessment of your capabilities and is not adverse.

Concerning the RS’s failure to discuss and notify you of the completion of his/her portion of the report before routing it to the RO, the Board determined that your contention lacks merit. The Board noted that the RS certified that a copy of the report was provided to you on 2 July 2024. The Board also noted that your fitness report is not adverse; therefore, the PES Manual does not require the RS to provide any additional notification or to review a fitness report with the Marine prior to submission. 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 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

