



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

██████████
Docket No. 1726-25
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 27 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 19 February 2025 decision by the Marine Corps Performance Evaluation Review Board (PERB) and 21 January 2025 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 chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 July 2023 to 16 September 2023 because the report should have been “not observed.” Specifically, you contend that, due to the two-month reporting period, the reporting officials agreed the report should be “not observed” but the Reviewing Officer (RO) later decided he had sufficient observation time and evaluated your performance. You further explain that “[m]ost of this time was [you] checking out of [your] command and dealing with personal legal matters for [your] divorce.” Additionally, you contend that if the RO had to “receive input from other Marines within the command” then his observation of you “was not his own and was influenced by other individuals” in violation of the Performance Evaluation System (PES) Manual.

The Board noted the PERB modified the contested fitness report by making corrections that rendered the RO portions not observed. The Board, thus concurred with the AO and the PERB decision that the report, as modified by the PERB, is valid as written and filed, in accordance with the applicable PES Manual guidance. Specifically, the Board determined the PERB modification

rectified the contended error/injustice and full removal of the contested report was not warranted. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of 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,

9/9/2025

