



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. 1728-25
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 16 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 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 remove the fitness report for the reporting period 1 June 2022 to 31 December 2022 due to the “unjust nature of the adverse fitness report and the evident bias involved in its creation,” and “critical procedural inconsistencies.” Specifically, you explained the Reporting Senior (RS) served as the Investigating Officer (IO) in a command investigation (CI) into “circumstances surrounding recruiter malpractice” that substantiated you failed to adhere and comply with policies and directives established by the Enlistment Processing Manual. You contend this “dual role” created concerns regarding the RS’s impartiality and his bias was allowed to significantly influence the process. Further, you contend the report is unjust because you were the only Marine to receive an adverse report “despite identical circumstances shared by other recruiters.” Additionally, you contend the command lacked transparency and

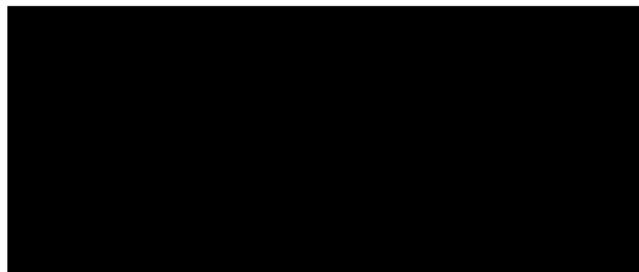
“no explanation was provided regarding the inconsistent punishments or the rationale for singling out [your] performance.” Lastly, you contend that your “current command team has questioned the validity of the adverse fitness report, 6105, and the original investigation” and, as supporting evidence, you provided reenlistment documentation that noted the Commanding Officer (CO) “read the 6105 and rebuttal and [could not] make sense of what occurred.”

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 noted previous Boards¹ considered your requests to remove the Administrative Remarks (Page 11) counseling entry of 12 October 2022 and associated rebuttal. In each instance, the Board denied your requested relief. Due to the Page 11 counseling entry being a driving factor in the adversity of the contested fitness report, this Board first assessed the validity of the counseling entry. Having determined you provided insufficient evidence to overcome previous Board decisions, this Board, concurring with the AO, determined the RS was not precluded from performing his duties as Executive Officer, to include fitness report processing, because he served as the IO for a CI that was adjudicated by higher authority. Further, the Board concurred that the reporting officials were in the best position to assess the facts surrounding the events, issue a formal counseling added to your official military personnel file, and evaluate your performance during the reporting period. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal or modification of the fitness 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



¹ The Board denied your request to remove the Page 11 in its adjudication of Docket No. 905-23 and 10526-23. As recently as February 2025, the Board administratively closed your third request for removal after determining you had not submitted “sufficient new evidence, other matters not previously considered by the Board, or material not reasonably available when you submitted your previous applications.”