



Docket No. 1759-25  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 24 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 19 February 2025 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 28 May 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 chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 1 October 2021 to 31 December 2021 because the report was “submitted without fairness and is unjust in that it does not follow directives outlined in the Performance Evaluation System (PES) Manual.” Specifically, you contend the Reporting Officials did not ensure the fitness report was “completed correctly when marking attributes with the grading scale” because the Reporting Senior (RS) marked Intellect and Wisdom/Judgment with an “H” even though the RS’s section I comments “directly talk towards the definition of judgment.” Additionally, you contend marking the attribute as “H” artificially deflates the report. Lastly, you contend the RS did not mark the attribute because you were “under civilian investigation” and experiencing “personal marital matters during the reporting period.”

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable PES Manual guidance. The Board, substantially concurring with the AO, determined your arguments for relief lack merit. Specifically, the Board determined the RS is

tasked with determining the assigning markings to attributes and there is insufficient evidence of an error or injustice in his decision to assign an "H" under section 11.G.3. Further, the AO noted your argument the report was artificially deflated lacked merit because the report's mean is derived from the observed markings only. Lastly, the Board determined there is insufficient evidence to support your contention you were not graded on "judgment" because of your ongoing personal legal matters. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the fitness report in question. 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,

11/18/2025

