



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 2860-25
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 3 December 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 March 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and the 14 February 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23). The AO was provided to you and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove your fitness report for the reporting period 1 October 2023 to 7 May 2024. The Board considered your contentions that you were not counseled on any deficiencies and you were not aware of the allegations against the Staff Sergeant (SSgt). You also claim to have experienced feelings of stress, anxiety, depression, anger, frustration, self-doubt, low self-esteem, social withdrawal, and insomnia.

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 Marine Corps Performance Evaluation System (PES) Manual. The Board noted that you were issued a Page 11 entry. This entry counseled you on two points: first, a Command Investigation that substantiated numerous violations committed by a SSgt against Marines under your charge, and second, the importance of engaging with the happenings in your platoon. The

entry also notified you that you were relieved of your position. The Board determined that your relief was performance based. In this regard, according to the PES Manual, performance-based adversity reflects shortcomings in performance and generally refers to the failure to demonstrate the professional abilities commensurate with your grade and experience. The PES Manual states that a relief for cause should be documented via a Page 11 formal counseling stating the reason(s) for the relief. The Board determined that counseling takes many forms and formal counseling prior to your relief was not required. The Board found that your 29 April 2024 counseling entry sufficiently counseled on your deficiencies and basis for your relief.

The Board determined that your reporting officials provided sufficient justification to support the basis for adversity. The Board noted that your fitness report was reviewed by a Third Officer Sighter who found that your fitness report contains no factual difference that required adjudication. The Board also determined that your purported lack of knowledge of the allegations against the SSgt is immaterial to the underlying basis for your adverse fitness report.

You also indicate in your application that your request is related to other mental health issues. The Board, however, determined that there was insufficient evidence to conclude that your performance was mitigated by a mental health diagnosis. In making this determination, the Board noted that the feelings you experienced were contemporaneous to your relief and adverse fitness report, instead of diagnoses by a mental health professional. 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,

12/17/2025

