



**DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2869-25

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 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 13 March 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 28 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, personal appearance was not necessary, and the Board considered your case based on the evidence of record.

The Board carefully considered your request to remove your fitness report for the reporting period 19 July 2021 to 31 May 2022 and all failures of selection. Alternatively, you request to change your fitness report to be not observed and include the recommended changes you provided. Additionally, you request a Special Selection Board (SSB). The Board considered your statement and contentions that your fitness report contains significant inaccuracies and misrepresentations that compromise the integrity of the evaluation process and constitute an error and injustice regarding your contributions during the reporting period. Specifically, your Reporting Senior's (RS's) assertion that your evaluation "will likely settle out in the middle third" and subsequent statement that you "easily falls within the middle third . . ." was misleading given his pending retirement. You provided excerpts of other officer's fitness reports

demonstrating that the characterization in your fitness report downplay the impact of your teamwork and that the omission of your 300 Physical Fitness Test (PFT)/Combat Fitness Test (CFT) score could be perceived as a velvet dagger. You also contend that your Reviewing Officer's (RO's) description of you as a "capable officer . . ." may imply that you merely meet minimum expectations and the RO's other comments included mixed messages on future assignments, confusion about promotion readiness, and did not include direct comments on your career potential. You claim there are contradictions between the investigation, emails with your RO, and your fitness report. It is your assertion that the fitness report was likely unduly influenced by the investigation; contributing to inaccuracies in the assessment.

In response to the AO, you argued that support from the reporting officials is not required. Your appeal is based on the misleading language in the report that created a substantive inaccuracy; which misrepresented your performance. You argue that the AO erroneously cites the Marine Corps Performance Evaluation System (PES) Manual to justify the omission of directed comments. You believe your personal award explicitly recognizes your contributions during the contested period, serving as official, objective validation of your performance. You also argue that while formal counseling is not mandatory for non-adverse reports, the complete absence of verbal or written feedback suggests arbitrariness in the evaluation process. Further, you contend the AO omits a critical analysis of the investigation's undue influence on the evaluation.

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. In consideration of the totality of the evidence, the Board determined that your fitness report is valid as written and filed in accordance with the applicable (PES) Manual. In this regard, the Board noted your voluminous disagreements with the content of your reporting officials' comments. The Board, however, determined that your contentions are conjecture, speculative in nature, and not supported by sufficient evidence. The Board found no evidence of malfeasance by your reporting officials and you provided none. The Board also determined that the PES Manual authorizes RSs to enter additional comment as deemed appropriate. Thus, your RS's comments regarding profile placement were permitted and provide the reader with information not readily apparent by the relative value. Other than your statement, the Board found no evidence that your RS comments were intended to be misleading or influenced due to his pending retirement. The Board noted the omission on your PFT/CFT score but determined the omission to be an administrative error. Since the PFT/CFT is documented in other areas of your official record, the Board concluded the omission of your PFT/CFT does not diminish the perception of your physical fitness performance and does not invalidate the fitness report. The Board further determined that a fitness report is not considered unjust solely because its relative value is rated lower than other reports.

The Board determined that your RO's comments and evaluation of your performance are valid. The Board found no comments to indicate your performance was substandard; therefore, your contentions regarding the purported implications of the RO's comments are conjecture and not supported by evidence. It is important to note that the Board is not an investigative body and cannot provide an analysis of an investigation into your RO's evaluation of your performance. Even if your RO considered the evidence from an investigation in his analysis, it would not

constitute an error. However, the Board noted there is no mention of an investigation in the RO's comments to support a finding that he considered it.

In conclusion, the Board determined that your petition primarily presents subjective opinions. The Board relies on a presumption of regularity to support the official actions of public officers. In the absence of substantial evidence to the contrary, the Board will presume that public officers have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. 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

[REDACTED]  
Executive Director  
Signed by: [REDACTED]