



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2888-25

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 12 March 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and the 18 February 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23). Although you were afforded an opportunity to submit a rebuttal to the AO, you chose not to do so.

The Board carefully considered your request to remove from your record the fitness report for the period of 12 February 2022 to 30 June 2022 along with your contentions that the fitness report contains unjust marks, you believe your Reporting Senior (RS) was gaming the numbers and marked your report unjustifiably low by marking all but one attribute in sections D-G as "B," that the RS provided an initial counseling but did not provide regular counseling during the reporting period, the performance evaluation was a surprise to you as 12 B's were not expected, it is unlikely that 12 of your 13 attributes would be marked the same, much less all "B's," since you were a Master Sergeant and the Operations Chief for a Provost Marshal's Officer with 21 months of experience, and that few Marines can excel in all aspects and it is expected that the marking of attributes will differ.

The Board, however, concurred with the PERB's decision that you did not meet the burden of proof, nor show by preponderance of evidence probable material error, substantive inaccuracy, or injustice, warranting removal of the fitness report. Specifically, as defined in reference MCO

1610.7A, "gaming" refers to the practice of unjustifiably inflating or deflating marks, or otherwise manipulating the Performance Evaluation System (PES) in a way that distorts the relative value of a particular report compared to others written by the same RS for Marines of the same grade. Notably, your report is the first one written by the RS for a Master Sergeant and there were no prior reports to compare or "game" it against. Additionally, petitions that allege gaming are typically challenging to prove absent admission from reporting officials. As you have no such admission to support your contention, your petition fails to provide convincing evidence to support the claim. Additionally, marking philosophies are unique to the individual RS and, as already stated, the RS did not have an established profile at the time of report processing. In your case, although the RS comments were not overly laudatory, the initial sentence in Section I states that you "completed all assigned duties;" indicating that you met expectations and accordingly received the intended scaled measurement of "B" in the majority of categories.

Regarding your contention of not receiving supplemental counseling, relief is generally not granted based on alleged counseling deficiencies as counseling can take various forms. Lastly, your petition lacks evidence, beyond your own statement, to support the claim that your performance and conduct warranted higher marks than what was given. Nor is there any suggestion in your case of any malfeasance or irregularity with the Reviewing Officer (RO) portion of the evaluation; which weakens the overall argument for report removal. 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 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

