



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2890-25

Ref: Signature Date

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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 26 November 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 3 February 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23) and the 12 March 2025 PERB decision. The AO was provided to you on 12 March 2025, 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 delete from, amend, or replace within your record your fitness report for the reporting period of 2 April 2024 to 15 July 2024, along with your contentions that the fitness report is unjust because it surreptitiously references, in violation of MCO 1610.7B, your non-recommendation for retention with the effect of prejudicing your pending administrative discharge board (ADB). Specifically, you contend your Reviewing Officer (RO) included a derogatory comment in Section K of the fitness report stating, in part: "Due to his failure to adhere to Marine Corps policies on substance abuse [he] is neither recommended for promotion nor retention." You additionally take issue with a comment in the addendum page of your fitness report which states: "I recommend that the [Marine] not be considered for promotion at any time." You contend that these comments are a surreptitious means to influence the ADB regarding its decision on your retention or separation and that,

because your end of active service date is in 2029, these comments are clearly directed to members of the pending ADB rather than a future reenlistment committee. In the alternate, you contend that, even if these comments were not aimed at the ADB, they would be stale by the time you seek reenlistment in 2029 and should therefore be deleted, amended, or replaced.

The Board, however, substantially concurred with the PERB's decision in finding that you did not meet the burden of proof, or show by preponderance of evidence, probable material error, substantive inaccuracy, or injustice warranting removal, amendment, or replacement of your fitness report. Your fitness report is, indeed, adverse, having been issued after your illegal drug use. The Board determined the comment in Section K is no more than a transparent assessment made by your RO, and based on a valid NJP, of your performance in light of your illegal actions. The Board also determined the fitness report is administratively correct and procedurally complete. Therefore, the Board concluded, without compelling evidence to the contrary, it remains valid as originally written. 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,

12/15/2025

