



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

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Docket No. 2970-25
Ref: Signature Date

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Dear █

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 11 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 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 did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify your fitness report for the reporting period of 16 August 2024 to 14 November 2024 from an "observed" to "non-observed" (NOB) report, along with your contentions that the period of observation did not meet the minimum required time for an observed report because you took 14 days of approved leave during what would have been the 90-day reporting period, functionally reducing the observed time to 76 days.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting modification of your fitness report. According to the Marine Corps Performance Evaluation System (PES) Manual, a not observed report is appropriate for periods of fewer than 90 days of observation. Days that do not count as observable include periods of non-availability, which are defined as 30 or more consecutive days when neither the Marine nor Reporting Senior are available to perform their duties. Such periods, when they occur, do not count towards the minimum observation time. In your case, not only do your 14 days of leave fall short of this 30 day requirement, they were also not consecutive. As such, they do not amount to a period of non-availability and there is no requirement to exclude them from the observation period or modify the report from observed to not observed. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action, and the original report remains valid as written.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/31/2025

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