



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

█  
Docket No. 4721-25  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 21 January 2026. 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 29 April 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB) and 21 March 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 your fitness report for the reporting period of 1 July 2020 to 29 June 2021. You contend that your Reporting Senior (RS): 1) purposely gave you unjustified low marks, in part due to his improper application of profile dynamics, and in part due to a personality conflict, 2) your receipt of a Meritorious Service Medal (MSM) at the end of the reporting period is inconsistent with the marks received, and 3) the marks received on two previous fitness reports, while serving in the same billet, were of a high level, and the Reviewing Officer (RO) comparative assessment marks showed an upward trend.

The Board, however, substantially concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of your fitness report. Rather, the Board determined that your fitness report is valid as written, and

filed in accordance with the Marine Corps Performance Evaluation System (PES) Manual. As a preliminary matter, the Board agreed with the PERB that your delayed request for relief, for a report processed into your Official Military Personnel File (OMPF) in 2021, raises concerns about its credibility and legitimacy. According to the PES Manual, appeals for relief should be filed within three years of the discovery date of the allegedly inaccurate or unjust documents, and will not normally be considered if more than three years since the document was entered into the record. That said, regarding the marks you received, the Board found you provided no evidence, apart from your own statement, that your performance or conduct warranted higher marks. Regarding your receipt of the MSM, although it is a favorable indicator in your OMPF, personal awards are designed to highlight an individual's achievements and are not prescribed evaluation metrics. Therefore, the Board found your receipt of the MSM had no bearing on the validity of your fitness report. Further, regarding your contention that you received higher marks on previous fitness reports while serving in the same billet, the Board found your contention lacks merit. The Board noted that your RS differed between the reports. Marking philosophies are unique to each RS, thus, marks assigned by one RS do not constrain those assigned by another. Moreover, regardless of whether you filled the same billet, the same performance period was not evaluated. The PES Manual does not prevent an RS from lowering attribute marks on subsequent reports, and reports are not considered unjust solely because attribute marks declined. Similarly, an upward trend in comparative assessments does not mandate the trend continue, nor does a change in comparative assessment from a previous report require justification from the RO unless the mark is "unsatisfactory." Finally, although you contend your low marks resulted from a personality conflict between you and your RS, this contention is speculative and, even so, personality conflicts do not automatically constitute grounds for relief. Likewise, the Board found no evidence, apart from your statement, of improper application of profile dynamics on the part of your RS. 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,

2/12/2026

