



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

Docket No. 4722-25
Ref: Signature Date

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 (USC). 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 25 February 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 by the Marine Corps Performance Evaluation Review Board (PERB) and the 19 March 2025 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the fitness report for the reporting period 29 October 2022 to 30 April 2023 because going from two sequential 100 relative value (RV) fitness reports while serving as adjutant to an 80 RV after laterally moving to a new Military Occupational Specialty (MOS) is "not just a gut punch but an institutional talent management failure." You contend the markings and relative value of the report were in reprisal/retaliation for laterally moving from a critical Primary MOS (PMOS) 0102/Manpower Officer to PMOS 1707/Influence Officer prior to an upcoming inspector general's (IG's) readiness inspection. You further contend your Reporting Senior (RS) failed to comply with the Performance Evaluation System (PES) Manual by using the report as a counseling tool to inform you of your poor performance and relative value without "leaving opportunity for course correction." Further, you contend the report is in error/unjust because it was completed after your departure from the command. Additionally, you contend the RS did not counsel you to adjust your performance nor has he counseled post-fitness report. You also contend the RS' and Reviewing Officer's (RO's) lack of support for your lateral move is evidenced by the award period for your Navy Marine Corps Commendation Medal. You also contend none of the programs you were responsible for in the IG's readiness inspection were graded as ineffective nor did your performance decrease following your lateral transfer. Lastly, you contend the RO did not make

his own comments but used assistants to complete his reports, so you do not have trust and confidence that the comments were accurate. In support of your request for relief, you submitted numerous documents to substantiate your contentions.

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable PES Manual. The Board, concurring with the AO, determined the report does not demonstrate any overt bias, reprisal, or subsequent animus toward you after your lateral move to the 1707 PMOS. The Board also concurred the 80 RV is not a basis for removal or modification. Lastly, the Board, again concurring with the AO, determined the RS and RO comments were not negative or adverse and accurately pertained to your accomplishments and duties during the reporting period. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification of your fitness report or its removal from your record. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC § 1034. 10 USC § 1034 provides the right to request Secretary of War review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoW policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 USC § 1034(c) the Secretary of War cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of War for Personnel and Readiness (USW(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR; therefore, please also include previously presented documentation that supports your statements.

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,

3/20/2026
