



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█  
Docket No. 4731-25  
Ref: Signature Date

█  
█  
█  
  
Dear █,

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 4 March 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 Headquarters, U.S. Marine Corps (HQMC), Performance Evaluation Review Board (PERB) and the 7 March 2025 Advisory Opinion (AO) provided to the PERB by HQMC, Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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

The Board carefully considered your request to remove the fitness report for the reporting period 1 June 2019 to 11 June 2020 because you contend it does not accurately reflect your performance and accomplishments and contains administrative inaccuracies. Specifically, you contend the Reporting Senior (RS) unjustly decreased the mission accomplishment/performance attribute marking from "E" to "D," a decrease which stands in stark contrast to his RS comment regarding your "demonstrated tremendous personal growth." You also contend the Reviewing Officer's description of your strong performance is incongruent with the fact that at least "two attributes decreased each by one letter." Further, you contend the contested report was retaliation by the RS for your participation as a witness in several Inspector General complaints filed against him. Lastly, you contend the report should be removed because the relative value (RV) of the report has significantly dropped due to others having their fitness reports removed from the RS's profile, resulting in an artificial drop in your RV.

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual. The Board, substantially concurring with the AO, determined the decrease in marks does not invalidate the report nor do the comments describing improvements imply that the assigned marks were erroneous. Further the Board, noting you did not provide substantiating evidence regarding the reprisal contention, determined there is insufficient evidence to support this contention. Lastly, the Board determined a report is not considered unjust solely because the RV is lowered and concluded that the adjustments to the RS's profile do not constitute grounds for correction. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested relief.

The Board also considered your reprisal contentions but 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 DoD 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 this Board's 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 this Board, 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,

3/13/2026

█