



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

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Docket No. 4733-25  
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.

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 decisions furnished by the Marine Corps Performance Evaluation Review Board (PERB) and the 12 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 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 amend your fitness report for the reporting period of 16 June 2023 to 29 February 2024, to reflect scores of "F" in the categories of "Performance," "Proficiency," "Leading Subordinates," "Developing Subordinates," "Well-being of Subordinates," "Effectiveness Under Stress," and "Judgment," and you request to include the justification language you provided. You contend that: 1) the fitness report does not fully capture the scope of your achievements and potential during the reporting period, and is lacking in completeness and accuracy, 2) the report does not fully consider critical indicators of performance, such as retention, command climate, developing subordinates, operational readiness, and leadership, 3) you were not provided with transparency on your Reporting

Senior's (RS) reporting profile or an opportunity to present additional evidence that could have supported an adjustment to higher markings, 4) the Section I and K comments in the fitness report do not match the markings, which prevented you from addressing discrepancies or providing material before the promotion board, 5) the record and supporting evidence clearly align your performance with the standards for an "F" marking in the categories requested, 6) your RS did not follow through on a promised letter to the promotion board, nor was there transparency regarding the reporting profile, which limited your ability to develop mitigating actions, 7) your RS failed to provide teaching, coaching, or mentoring as outlined in Marine Corps Order (MCO) 1500.61, Marine Leader Development, 8) you only received positive responses and feedback from your RS and Reviewing Officer (RO) throughout the reporting period, and that if there were performance or leadership concerns, they were not conveyed to you, and you were not given an opportunity to improve, and 9) you received the Meritorious Service Medal (MSM) during the reporting period.

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. 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.

Regarding contentions (1), (4), and (5), the Board found the evidence insufficient to warrant modification of your report. The Board noted, apart from your own statement, you provided no evidence to support that your performance and conduct warranted any higher marks than those received. As the AO identified, it is only empowered to modify a fitness report when substantiated and validated evidence of error or injustice is presented. The Board agreed with the PERB that you have not met this burden. Although in contention (9), you appear to offer as evidence of performance your receipt of an MSM, the Board noted that, although an MSM is a favorable indicator in your Official Military Personnel File (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.

Regarding contention (2), the Board found your contention lacked merit. As the AO discussed, key performance indicators, including retention, command climate, subordinate development, operational readiness, and leadership, were considered in your fitness report and in the addendum pages. While you may disagree with the extent to which they were considered, the Board agreed with the AO that this is a subjective matter that does not impact the validity of your report.

Regarding contention (3), the PES Manual does not mandate that an RS provide transparency into his or her reporting profile, or offer a Marine the opportunity to provide evidence to support higher marks. Rather, the RS must determine the position on the scale that best reflects the performance or behavior of the Marine during the evaluation period. Marks are earned by the Marine's displayed efforts and apparent results, and are not given to attain a perceived fitness report average or relative value (RV). Furthermore, because your fitness report was not adverse, your reporting chain was not required to counsel you during fitness report processing.

Regarding contention (6), the Board noted your RS stated she had not written a letter to the promotion board because any further commentary on your profile would only serve to confuse matters. Regardless, even if her decision limited your opportunity to take mitigating action, as you contend, the Board agreed with the AO that this is not a matter for consideration.

Regarding contentions (7) and (8), the Board found these contentions were subjective and lacked supporting evidence. The Board noted it is not an investigative body and is not in a position to know what your reporting officials did, or did not, convey to you, or how you may have interpreted those communications. In such circumstances, the Board relies on a presumption of regularity to support the official actions of public officers, and in the absence of substantial evidence to the contrary, the Board will presume they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption.

Ultimately, the Board agreed with the AO that, without an endorsement from your RS, the evidence was insufficient to warrant the significant modifications to your fitness report you request. As the AO explained, it is not equipped to supplant the reporting chain and unilaterally change markings and comments based solely on a Marine's contentions related to performance or conduct, absent compelling justification and a valid endorsement from designated Reporting Officials (RO). The PERB's role is not to second guess RO assessments, nor does it possess special knowledge of the Marine's performance and conduct, or the RS's unique evaluation methodology and profile dynamics. Like the PERB, barring the existence substantial evidence to the contrary, it is not the role of the Board to second guess RO assessments. 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,

2/18/2026

