



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

█
Docket No. 5561-25
5562-25
5566-25
Ref: Signature Date

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Dear █,

This is in reference to your applications 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 applications, 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 applications have been denied.

Although your applications were not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your applications on their merits. A three-member panel of the Board, sitting in executive session, considered your applications on 11 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 16 May 2025 decisions by the Marine Corps Performance Evaluation Review Board (PERB), the 28 March 2025 Advisory Opinions (AO) provided to the PERB by the Headquarters, U.S. Marine Corps Performance Evaluation Section (MMPB-23), and your emailed rebuttal response¹ of 16 May 2025.

The Board carefully considered your requests to remove the Annual Reserve Component (AR) fitness report for the reporting period 4 April 2009 to 30 September 2009, the Change of Reporting Senior (CH) fitness report for the reporting period 1 October 2009 to 10 January 2010, and the AR fitness report for the reporting period 15 October 2012 to 30 September 2013 because the reports include comments that you contend violate Health Insurance Portability and Accountability Act (HIPAA) laws. For each of the contested reports, you contend the Reporting Senior (RS) section I comments pertaining to medical issues that did not affect your performance of duties or diminish your effectiveness as a leader are unacceptable. You specifically contend,

¹ The Board noted the emailed rebuttal response appeared to apply to your separate request for relief, BCNR Docket No. 5559-25, but the information was still provided for the Board's consideration in these requests for relief.

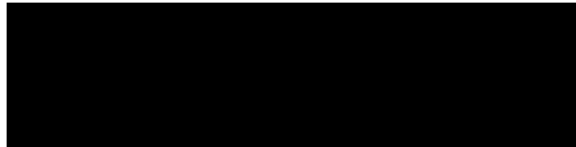
in each situation, that your medical diagnosis had no impact on your ability to lead and therefore should not have been highlighted in the comments sections of the contested AR and/or CH fitness reports.

The Board noted the PERB modified the AR and CH fitness reports by modifying the contested language of your RS's comments. The Board, thus substantially concurred with the AOs and the PERB Decisions that the reports, as modified by the PERB, are valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. Specifically, the Board noted the AR reports ending 30 September 2009 and 2013 both indicate "NMED" in block 8b/PFT and the governing reference at the time of these reports required the RS to provide an amplifying comment in Section I. Further, the Board, substantially concurring with the AO, determined the removal of the reports would constitute an excessive form of redress and concluded the modification of the contested comments provided appropriate relief. Based on the available evidence, the Board concluded there is insufficient evidence of error or injustice warranting your request to remove the three contested fitness reports.

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,

2/27/2026

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Deputy Director

Signed by: 