



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

██████████
Docket No. 5920-25
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 15 April 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 ██████████ decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the ██████████ advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23). The AO was provided to you on 23 May 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal to the AO, 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 correct your Official Military Personnel File (OMPF) by removing your fitness report covering the period of 1 July 2021 to 1 January 2022, along with your contentions that, 1) the fitness report end date is not in accordance with Marine Corps Order (MCO) 1610.7B, as you were relieved for cause (RFC) and removed from your billet on 27 September 2021; 2) the fitness report was not marked "Not Observed," despite covering a span of less than 90 days; 3) the fitness report includes performance that did not occur during the reporting period; 4) the fitness report occasion is not in accordance with MCO 1610.7B, in that after the RFC, you were removed from the billet and duty station, and were in a temporary duty assignment lasting 31 days or longer while awaiting PCS orders; 5) you received

a transfer report instead of a “To Temporary Duty” report; and 6) the fitness report’s third officer sighting (3OS) is not in accordance with MCO 1610.7B, as a general officer within the chain of command did not cite the report.

The Board, however, substantially concurred with the AO in finding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. As the AO explained, your fitness report is clearly a valid adverse report as you were not recommended for promotion, received five adverse attribute markings, and you received an “unsatisfactory” rating in Block K3 of the report. Additionally, your OMPF contains a Page 11 counseling entry that validates your RFC; you have not provided any evidence of being removed from the duty station or reporting chain immediately following relief, thus, the reporting period encompasses 185 days of observation, justifying an adverse report; the report accurately reflects your performance during that period; and the fact that the report’s end date goes beyond the RFC does not necessarily invalidate it, as you continued in the same unit awaiting orders. The Board additionally agreed with the AO that the omission of a temporary duty (TD) reporting occasion, likely because the report would have been “Not Observed,” does not invalidate the transfer report, as your RS had sufficient time to observe you, and your contention regarding the 3OS’s authority is unfounded, as your 3OS held a Senior Executive Service (SES) position equivalent to that of a Flag or General Officer. Ultimately, the Board concurred with the AO that you have not proven, by preponderance of the evidence, that the fitness report contains any material error, substantive inaccuracy, or injustice. As such, the Board concluded the fitness report remains valid as written and your request should be denied.

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,

5/7/2026

