



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

██████████
Docket No. 5922-25
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 22 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 carefully considered your request to remove the fitness report covering the period of 1 May 2020 to 26 June 2020 from your Official Military Personnel File (OMPF), along with your contention that the fitness report should be removed because it references a Page 11 counseling entry not present in your record, and that the evidence shows you did not commit the underlying misconduct.

The Board substantially concurred with the AO in finding that partial relief is appropriate in your case. Specifically, because you are correct that the counseling entry is not present in your OMPF, the AO determined your fitness report should be modified to remove the marking in Item 6b, which indicated the report contained derogatory material, and redact any direct reference to the counseling entry or Article 92 violation. That said, the AO determined language describing the specific events of 11 June 2020 should remain unredacted in your OMPF, as those events directly contributed to your lack of judgment, led to your relief from duties, and served as overall

justification for the adverse report. Because the above identified correction has already been made to your fitness report, and the corrected report is on file in your OMPF, the Board determined no further action was necessary on this matter.

Regarding your request to remove the fitness report from your OMPF, in its entirety, the Board concurred with the AO that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting relief to this degree. Specifically, as the AO explained, although you correctly identified the absence of the counseling entry from your record, the fitness report's adverse characterization is nonetheless fully supported: you were relieved of your duties due to loss of trust and confidence, you were not recommended for promotion, and you were marked "unsatisfactory" in the Reviewing Officer's comparative assessment. Furthermore, you don't contest the underlying justification for your adverse report, only that the counseling entry, itself, is not in your OMPF. An administrative error, such as this, does not erase documented flaws in performance and conduct. The Board thus concluded your fitness report, as already modified, remains valid. As such, the Board concluded 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,

5/5/2026

