



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

Docket No. 5965-25
Ref: Signature Date

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 1 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 23 May 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 21 April 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23), and your response to the AO.

The Board carefully considered your request to modify your fitness report covering the period of 16 August 2023 to 21 March 2024, to reflect three periods of non-availability, with corresponding changes to your Master Brief Sheet. You contend that, pursuant to Marine Corps Order 1610.7B: (1) periods of 30 or more consecutive days when either a Marine or the Reporting Senior (RS) were not available to perform duties constitute non-availability and do not count when determining minimum observation time for submission of an observed report; (2) your RS did not include your periods of non-availability in your fitness report, despite a requirement to do so; (3) the relatively short observation period likely significantly contributed to the markings you received from your RS and Reviewing Officer (RO), particularly when also considering the fact that the RO was physically separated from you by over 1,400 miles and had minimal contact with you during the reporting period; and (4) omitting periods of non-availability created a skewed perception of the amount of observation that took place during the reporting period.

As a preliminary matter, the Board noted that the PERB already directed correction to Section I of your fitness report. Specifically, the PERB found that you had not fully joined the unit until 30 September 2023 and therefore directed that a comment be added to Section I reflecting your Permanent Change of Station (PCS) leave from 16 August 2023 to 29 September 2023, in addition to noting a joined unit date of 30 September 2023. Because this correction has already been directed by the PERB, the Board took no further action on this matter.

Regarding your remaining contentions, the Board substantially concurred with the PERB's decision in finding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting further modification of the fitness report. As the PERB explained, the period of leave you identify, falling between 2 December 2023 and 2 January 2024, does not meet the 30 consecutive day threshold for determining non-availability. Rather, it consists of multiple separate and non-consecutive periods. Among them, your temporary duty travel between 3 and 16 December 2023, your annual leave taken between 27 and 29 December 2023, and your RS's leave on 13 December 2023, and between 27 December 23 and 3 January 2024. None of these occurrences, alone, comprise 30 consecutive days. Neither do the consecutive dates among them amount to such combined. Likewise, neither your parental leave, taken between 5 February and 1 March 2024, nor your additional annual leave, taken between 7-8 March and 11-20 March, constitute non-availability. Again, no single period among them constituted 30 days and they are not consecutive. On this matter, the Board noted that, in your contention, you stated your parental leave spanned 3 February to 20 March 2024; however, the evidence provided, specifically your Pay and Leave Summary, did not support this duration. Rather, instead the duration of 5 February through 1 March was documented. As such, notwithstanding the action already taken by the PERB to modify your fitness report, the Board determined insufficient evidence of error or injustice exists to further modify your record.

Accordingly, given the totality of the circumstances, the Board determined 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,

4/20/2026

