



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

██████
Docket No. 6640-25
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 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 16 June 2025 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 16 April 2025 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you chose not to 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 remove the fitness report for the reporting period 2 November 2021 to 12 January 2022 because the report period was below the required minimum observation time per the Performance Evaluation System (PES) Manual. Specifically, you contend the Reporting Senior (RS) only addressed one of the three components required by the PES Manual¹. Additionally, you contend you were a sergeant and your performance was evaluated in the contested report for the higher rank of staff sergeant.

¹ In support of your contention, the Board noted you provided applicable excerpts from MCO 1610.7B which became effective 5 June 2023.

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable PES Manual. The Board, concurring with the AO, noted you held the rank of staff sergeant throughout the reporting period of the contested report. Further, the Board, noting the version of the PES Manual that you rely upon was not in effect during the reporting period, determined the RS appropriately invoked an exception to policy, through the use of a directed comment noting the “meaningful personal contact” between you and him, which made his evaluation of your performance possible. Therefore, based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the fitness report. 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,

4/7/2026

Executive Director

Signed by: