



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

██████
Docket No. 6641-25
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 (USC). 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 14 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 carefully considered your request to remove the fitness report for the reporting period 1 October 2024 to 13 January 2025 because the report “does not reflect a fair or objective assessment” due to the “lack of correlation between [your] conduct and the marks assigned, and this disparity merits “further scrutiny.” Specifically, you contend there is a “stark and unsupported deviation in this report which does not align with [your] demonstrated work ethic, mission accomplishment, or leadership abilities.” You “maintained consistent professionalism, fulfilled all assigned duties,” and “made multiple contributions recognized by peers and seniors alike.” Further, you contend the report contains below average markings without any formal counseling, negative counseling, or administrative actions. You also contend you had no “documented performance issues,” “observed deficiencies” or indications your “performance fell short of expectations.” You contend “[t]his raises serious concerns of possible reprisal or bias influencing the evaluation process.” In support of your contentions, you submitted a performance review memorandum from the Marine Officer who served as the Regimental Logistics Operations Officer from September 2024 to January 2025.

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual. The Board, concurring with the AO, noted the character evidence you presented in support of your application was from an officer that was not within your reporting chain and determined you submitted insufficient evidence demonstrating your performance warranted higher marks than those received. Further, the Board noted your allegations of “possible reprisal or bias” were unsupported by the evidence submitted for consideration. Thus, 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.

The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 U.S.C. § 1034. 10 U.S.C. §1034 provides the right to request Secretary of War review of cases with substantiated reprisal allegations where the Secretary of the Navy’s (SECNAV’s) follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with Department of War policy you have the right to request review of the SECNAV’s decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the SECNAV acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 U.S.C. § 1034(c) the Secretary of War cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of War for Personnel and Readiness, Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your Board application and final decisional documents; and, a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the Board, therefore, please also include previously presented documentation that supports your statements.

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

