



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

██████████
Docket No. 6642-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. 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 5 May 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 8 July 2019 to 31 July 2019. You contend the report should be removed because the course policy and Performance Evaluation Section (PES) Manual have been updated and an adverse fitness report is no longer required for Marines who failed "on academic grounds after completing all assigned work." Further, you contend the adverse report has greatly impacted your ability to continue advancement, despite your later completion of the course.

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 the PES Manual version you referenced, MCO 1610.7B, did not become effective until 5 June 2023 and determined the contested report was warranted by your academic disenrollment in accordance with MCO 1610.7A. Further, the Board, again concurring with the AO, determined the PES Manual does not provide a means to amend or nullify an adverse evaluation based on subsequent

achievements or policy changes which do not specifically apply retroactive criteria. 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.

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

