



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

Docket No. 6756-25
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.

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 25 March 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 13 June 2025 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the 13 May 2025 advisory opinion (AO) provided to the PERB by the Manpower Management Performance Branch (MMPB-23), and your response to the AO.

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 both your fitness report covering the period of 29 June 2019 to 31 May 2020 and, if approved, all failures of selection (FOS) from your Official Military Personnel File (OMPF). You contend that the fitness report is unjust because it contains material error, based on the use of improper evaluation criteria, and violates the Performance Evaluation System (PES). Specifically, that there is a blatant contradiction between the Relative Value (RV) and Section I comments, and the Reporting Senior (RS) used an improper comparative basis and criteria during the evaluation.

The Board, however, concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting modification of the fitness report. As the PERB explained, although your main concern appears to be your RV of 80, the RV is a comparative metric that develops over time. As this was your first report in the grade of Major, it served as the initial data point both in establishing your RS's profile for Majors, and in your progression. Also, because it was your RS's first report on a Major, the Board agreed with the PERB that his admission of the report having been influenced by his observation of other Majors in the fleet was not problematic and did not invalidate your report, as his profile had to start somewhere. Furthermore, regarding assessment of your performance, the Board found you did not provide evidence demonstrating that your performance and conduct warranted any higher marks than those received, or that it exceeded that of three other Majors subsequently evaluated by you RS, each of whom received higher marks than you. Although you contend your Section I comments and attribute markings do not match, as the PERB noted, there is no guideline requiring a direct correlation between fitness report comments and attribute markings. You also did not provide any evidence suggesting your RS intentionally degraded your attribute marks to ensure you would be at the bottom of his profile, or that he intentionally wrote the report with a low RV while attempting to obscure the intent with laudatory Section I comments. Lastly, although the Board carefully considered your rebuttal to the AO, it did not find your arguments persuasive. Because the Board did not approve your request to remove your fitness report, the Board found no basis to remove your FOS.

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,

4/10/2026

