



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

██████████
Docket No. 6763-25
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 8 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 ██████████ decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), the ██████████ 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 remove your fitness report covering the period of 29 June 2023 to 18 September 2023 from your Official Military Personnel File (OMPF). You contend that: 1) the report was inappropriately submitted as a not-observed report; 2) the Reporting Senior (RS) and Reviewing Officer (RO) stated the adverse nature of the report was substantiated by a preliminary investigation (PI), but there is no physical documentation of substandard performance in your record; 3) your RS was personally biased against you; and 4) you felt pressured to accept the adverse report.

The Board, however, substantially concurred with the PERB's decision in finding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report. As the PERB explained, at 82 days of observed time, the observation period did not meet the 90 days required for an observed report, and the evidence does not suggest a manipulation of report dates to achieve a not-observed report. The Board also agreed with the PERB that the evidence did not support personal bias against you by your RS. The Board

considered that a PI was conducted, which substantiated your misconduct, and you have not provided sufficient evidence of material error or inaccuracy in the resulting fitness report. Lastly, the Board opined, rather than providing convincing evidence to refute your poor performance, you acknowledged that your actions almost killed three of your Marines and that you failed them. Based on these factors, the Board was not persuaded by your contentions.

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

