



Docket No. 7244-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 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 3 July 2025 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 16 June 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 did not do so.

The Board carefully considered your request to modify the fitness report for the reporting period 1 August 2018 to 30 June 2019 by correcting the Reviewing Officer's (RO's) comparative assessment marking to block "6" vice block "5" because the placement was due to "scrivener's error." Specifically, you contend that normally the Reporting Senior (RS) for a Senior Defense Counsel is the Regional Defense Counsel and the RO is the [REDACTED] of the Marine Corps. However, due to your unique role and manpower issues at the time, you contend the RS was the CDC and the RO was the Deputy Staff Judge Advocate to the Commandant of the Marine Corps. You further contend you and the RO were "significantly separated in mission [and] ability to communicate/report up due to attorney client confidentiality and conflicts of interest" so you were "unable to build rapport and communicate in volume" because the RO represented the Government and your responsibility was solely to your clients. You explain that your report was "lost in the shuffle" between the RS's retirement and the changing duties of the RO. When the RO realized he had failed to do your report – on/near the last day of the reporting period – the RO mistakenly marked you in the "5" block which was counter to the worksheet and his comments and in contrast to the RS's very high marking and comments. You contend the

RO acknowledged the error, apologized for his “mis-stroke,” and offered to write letters for you as a “band aid” because the two of you “thought there was nothing that could be done” because you were unaware of the PERB process. In support of your requested relief, the now-retired RO submitted a letter requesting your comparative assessment be moved from block “5” to “6” because he “realized [he] had hit the wrong button on [his] way out of the ██████████” The RO stated he was fully aware of the impact this shift would have on his profile but he was “making this correction intentionally because this has always been [his] fair and accurate assessment of [your] performance.”

The Board, however, determined the fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual. The Board noted the report was the 31st report reviewed by the RO for the grade of Major and “altering it would have a substantial cascading effect on the RO’s overall Major profile.” Specifically, “approving the modification would impact 87% (46 of 53) of the RO’s Major reports, potentially introducing inequities for other Marines” assessed by him. Based on this broader impact on all affected Marines, the Board was unwilling to accept the RO’s explanation that he “had hit the wrong button on [his] way out of the ██████████ and concluded relief was not warranted. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting modification 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,

5/5/2026

