

Chapter 10

Substantive Corrections Process

1. Purpose

a. The potential exists for fitness reports submitted per the procedures of this Order to contain policy or procedural errors, and inaccurate or unjust comments and/or marks. The duty of this Headquarters is both to protect the integrity of the PES and to ensure fairness to the individual Marine.

b. The CMC, acting through the PERB, and the Secretary of the Navy, acting through the BCNR, may approve a revised assessment of a Marine's conduct or performance based entirely on facts about the Marine that were unknown when the original report was prepared.

c. The perceived competitiveness of a report's relative value or comparative assessment mark is not a basis for removing or modifying the report.

2. Substantive Correction Defined. A substantive correction is any correction to a submitted fitness report exceeding the administrative corrections discussed in chapter 8, paragraph 10a, or any correction to items other than a fitness report filed in an individual Marine's OMPF (e.g., a UPB entry, a 6105 counseling, reenlistment code assigned, etc.).

3. Petition Process

a. Request Procedures

(1) Only the individual and his or her appointed counsel may petition to change the Marine's official record. Appeals will not be accepted from any other third party, to include reporting officials.

(2) The Marine must submit a DD 149, Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552 form, to the CMC (MMRP-13) for all substantive correction requests. The Marine is encouraged to include a written statement detailing the basis for the request and should provide any supporting evidence available. Initial appeals will not be submitted directly to the BCNR as this will delay the process.

(3) Submit the request by:

(a) Email documents and images in .pdf format to:  
smb.manpower.mmrp-13@usmc.mil.

(b) Mail documents and images to:

Commandant of the Marine Corps  
Headquarters, U.S. Marine Corps  
(Code: MMRP-13)  
2008 Elliot Road  
Quantico, VA 22134-5030

(4) The CMC (MMRP-13) will screen the request for completeness and accuracy before beginning the PERB process. Missing information on the DD 149 (e.g., phone number or address), unsigned documents, and other administrative errors will prolong the screening process. Incomplete petitions will not be accepted.

(5) All simultaneous appeals associated with the fitness report such as page 11 entries, NJP set-aside requests, etc., should be submitted to the BCNR.

b. Supporting Evidence and Burden of Proof

(1) A fitness report that is accepted by the CMC (MMRP-30) for inclusion in the official record of a Marine is presumed to be administratively correct, procedurally complete, and valid.

(2) A Marine may appeal any report they believe is not written in accordance with this Order, or is inaccurate or unjust; however, the burden of proof rests with the petitioner. To justify deletion, amendment, or replacement of a report, the petitioner must produce evidence of probable material error, substantive inaccuracy, or injustice. Any supporting evidence must be written and/or visual in nature and must be provided with the original petition. Examples of acceptable supporting documentation may include: travel or PCS orders, extracts of Unit Diaries, hospital admission sheets, leave records, copies of investigations or request masts, or other documents with bearing on the points in question.

(3) The board is not bound by rules of evidence for trials by courts-martial and shall consider all reasonably pertinent evidence provided by the petitioner.

(4) The board will not usually solicit documentation on behalf of the petitioner, the responsibility for obtaining any and all supporting evidence rests with the petitioner. In the event that an organization or individual will not release information, the petitioner can request that the PERB obtain the documentation. The petitioner must provide documentation of their unsuccessful attempts to obtain the information, as well as all necessary contact information.

(5) A report is not considered unjust solely because the relative value and/or comparative assessment mark are rated lower than other reports.

(6) A personality conflict between the applicant and a reporting official does not automatically constitute grounds for relief. Statements attacking the motives, integrity, and competence of the reporting officials are subject to referral to those individuals for their comments.

c. Timeliness

(1) Due to the decision support nature of the documents in the Marine's official record, erroneous fitness reports and documentation should be corrected as soon as possible.

(2) Per the provisions of reference (c), appeals should be filed within three years of the discovery date of the purportedly inaccurate or unjust document. Normally, appeals will not be considered if more than three years have passed since the document was entered on the record; the

petitioner must explain to the board why, in the interest of justice, a request that does not meet this standard should be considered.

(3) Once a complete petition is received, MMRP-13 will seek advisory opinion(s) and begin the PERB process.

(4) Typically, appeals are processed in the order in which they are received; however, when possible, priority will be afforded to those requests that require the most urgent action (e.g., mandatory separation pending, promotion consideration imminent, etc.)

(a) The Marine should clearly indicate on the DD 149 any urgency associated with their request.

(b) Petitioners are encouraged to submit their request early since priority consideration is not a given and may not significantly reduce the time requirements of the PERB process. Additionally, priority consideration granted by the CMC (MMRP-13) has no impact on the timeliness of the BCNR process.

d. Advisory Opinions

(1) Every request for substantive correction shall receive an advisory opinion from one or more of the following organizations:

(a) The PES section (MMRP-30).

(b) The Military Personnel Law Branch (JPL).

(c) The Career Counseling section (MMRP-50).

(2) Advisory opinions shall at a minimum:

(a) State whether the report is administratively and procedurally correct and whether the report is valid as filed.

(b) Discuss the merits of the petitioner's arguments based on applicable orders and regulations.

(c) Provide a recommended course of action for the board.

e. Resubmission of a Denied Petition

(1) The petitioner may resubmit a denied petition only if he or she submits substantial, relevant, and verifiable new evidence that was not previously provided to the board for consideration.

(2) The petitioner must clearly state that the case was previously considered and must specify what new information is submitted for consideration.

(3) Forward all requests for reconsideration directly to the BCNR at:

Board for Correction of Naval Records  
701 S. Courthouse Road  
Building 12, Suite BE140  
Arlington, VA 22204-2490

4. Performance Evaluation Review Board (PERB)

a. The PERB is the first agency responsible for substantive corrections to an individual Marine's record. The PERB is authorized to make substantial corrections to fitness reports only, and will forward requests for other corrections to the BCNR.

b. Board Membership

(1) PERB members are assigned from within HQMC. PERB members will be field grade officers; chief warrant officers in the grades CWO4 and CWO5; staff non-commissioned officers in the grade of E-9; and/or senior civilians.

(2) No member shall vote on cases in which they were personally involved, and members shall be senior to the petitioner.

c. Performance Evaluation Review Board (PERB) Action

(1) Board proceedings are administrative and non-adversarial.

(2) Neither the petitioner, their appointed counsel, nor other witnesses are permitted to address the board in person. All communication shall be in writing and included with the original petition.

(3) Board members shall vote openly and the board's recommendations are based on a simple majority. Board decisions shall not violate PES policy, or other applicable policies, instructions, or orders.

(4) The PERB is remedial in nature and is a means for correcting an error or injustice in an individual's official record. Therefore, the board's decision shall not render an evaluation less favorable than the original.

d. Action Following the Board Decision

(1) Should the PERB grant the Marine's request, the record is changed by CMC (MMRP-13) as directed by the PERB and the request is closed.

(2) Should the PERB disapprove, in whole or in part the Marine's request, the petition is forwarded to the BCNR for final determination. An official Marine Corps position statement with regard to denied and partially denied appeals shall be provided to the BCNR and the petitioner.

(3) The CMC (MMRP-13) will inform the Marine of the board's decision via correspondence to the address provided on the DD 149.

(4) The findings, conclusions, and recommendation of the PERB shall be documented and maintained on temporary file.

5. Board for Correction of Naval Records (BCNR)

a. All substantive corrections are under the purview of the BCNR per the provisions of reference (c).

b. All requests for substantive correction to Marine Corps fitness reports are first considered by the PERB. Should the PERB disapprove, in

whole or in part, the Marine's request, the petition is forwarded to the BCNR for final determination.

c. All requests for substantive correction to records other than fitness reports are considered solely by the BCNR.

d. All requests for substantive correction shall be submitted through the CMC (MMRP-13) per the provisions of paragraph 3 of this chapter.