



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 1118-01
9 March 2001

MAJ [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Major [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

It is noted that the Commandant of the Marine Corps (CMC) has removed the duplicate copy of your fitness report for 31 December 1986 to 26 May 1987 and modified this report, as you requested, by adding the reviewing officer's comments.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2001. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 8 February 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish probable material error or injustice warranting removal of your contested fitness report for 2 August to 31 December 1986. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

1118-C1
IN REPLY REFER TO:
1610
MMER/PERB
8 FEB 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF MAJOR
[REDACTED] USMC

Ref: (a) Major [REDACTED]'s DD Form 149 of 27 Oct 00
(b) MCO P1610.7C w/Ch 1
(c) MCO P1610.7C w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 2 February 2001 to consider Major [REDACTED] petition contained in reference (a). Action as indicated was requested on the following fitness reports:

a. Report A - 860802 to 861231 (AN) -- Removal in its entirety. Reference (b) applies.

b. Report B - 861231 to 870526 (TR) -- Addition of Reviewing Officer's statement and elimination of the duplicate version of the report. Reference (c) applies.

2. The petitioner contends that Report A was rendered "adverse" by virtue of the "excellent" markings in Items 13a (regular duties), 14j (leadership), 15a (general value to the service), and by being set apart from his peers in the Item 15b distribution. Concerning Report B, the petitioner furnishes a recent request from (now) Lieutenant General [REDACTED] (dated 15 September 2000) in which he asks for the insertion into the petitioner's official military personnel file of his 11 January 1995 letter. Said letter is to serve as Reviewing Officer's comments for Report B. Finally, the petitioner points out that there are two identical copies of Report B, one of which should be eliminated.

3. In its proceedings, the PERB concluded that:

a. Report A is both administratively correct and procedurally complete as written and filed. Succinctly stated, and contrary to what the petitioner may have been told or believes, the report is not adverse. It is emblematic of highly

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successful efforts and results; the Reporting Senior was correct in his counseling comments as stated by the petitioner. The fact that the petitioner was not ranked higher than his three contemporaries may not be to his liking; however, that does not render the report "adverse." No argument has been offered or substantiated as to why the Reporting Senior should have rated him otherwise.

b. The actions requested relative to Report B are warranted and have been directed.

4. The Board's opinion, based on deliberation and secret ballot vote, is that Report A should remain a part of Major [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Colonel, U.S. Marine Corps
Deputy Director
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps