



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

BJG
Docket No: 4271-01
15 August 2001

CAPT [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Captain [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.

You requested that the fitness report for 10 May to 27 June 1998 be modified by removing the mark of "EX/OS" (excellent/outstanding, the second highest) in item 15a (your estimate of this Marine's general value to the service) and the marks in items 15b and c (showing five captains ranked above you and one with you). You also requested removal of your failure by the Fiscal Year (FY) 2001 Reserve Major Selection Board.

It is noted that the Commandant of the Marine Corps (CMC) has modified items 15b and c of the fitness report in question to show that you were not compared with any other captain.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 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 (HQMC) Performance Evaluation Review Board (PERB), dated 23 May 2001 with enclosures, and the advisory opinion from HQMC dated 22 May 2001, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board noted your contention that the reporting senior advised you that you would be marked "OS" (highest) in item 15a. However, this did not persuade them that the "EX/OS" mark he actually assigned you was improper. They substantially concurred with the advisory opinion dated 22 May 2001 in finding your selection by the FY 2001 Reserve Major Selection Board would have been definitely

unlikely, even if the fitness report in question had reflected the correction to items 15b and c. In view of the above, 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

4271-11

IN REPLY REFER TO:
1610
MMER
23 May 01

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

Subj: BCNR APPLICATION IN THE CASE OF CAPTAIN [REDACTED]
[REDACTED] SMCR

Encl: (1) Copy of CMC ltr 1610 MMER/PERB of 10 May 01
(2) CMC Advisory Opinion 1600 CMT of 22 May 02
(3) Copy of CMC ltr 1610 MMER/PERB of 23 May 01

1. As evidenced by enclosure (1), PERB modified Item 15 and page two of subject's fitness report for the period 980510 to 980627 (TD).
2. We defer to BCNR on the issue of Captain [REDACTED] request for the removal of his failure of selection to the grade of Major. Enclosure (2) is furnished to assist in resolving that matter.
3. By enclosure (3), this Headquarters provided Captain [REDACTED] with a copy of the Advisory Opinion contained at enclosure (2).

[REDACTED]

Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps



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

4277-01
IN REPLY REFER TO:
1610
MMER/PERB
10 MAY 2001

From: Commandant of the Marine Corps
To: Captain [REDACTED] USMCR

Subj: CORRECTION TO MILITARY RECORD

Ref: (a) Your Application for Correction of Military or
Naval Record (DD Form 149) of 15 Feb 01
(b) MCO 1610.11C

Encl: (1) Copy of Fitness Report 980510-980627 (TD) (modified)

1. This responds to your request contained in reference (a).
2. Per the provisions of reference (b), the Performance Evaluation Review Board has reviewed allegations of error and injustice in your Naval record. Having reviewed all the facts, the Board has directed that Items 15a, b, and c of your fitness report for the period 980510 to 980627 (TD) will be modified to show that you were the only officer reported on (i.e., "one-of-one") and all names (except yours) will be removed from the Reporting Senior's Certification on page two. In addition, the Automated Fitness Report System (the database which generates your Master Brief Sheet) will be changed accordingly. For your information, a copy of the report, as it will now appear in your record, is provided at the enclosure.
3. The Commandant of the Marine Corps is not empowered to grant or deny a request to remove a failure of selection. Consequently, your case will be forwarded to the Board for Correction of Naval Records (BCNR) for adjudication of that issue.

[REDACTED]
By direction

427701

PROGRAM: DFR
 1. ORGANIZATION: MCC
 2. RUC: 20361
 3. SERVICE TITLE: MEF
 4. MARINE REPORTED ON: [REDACTED]
 5. FIRST NAME: [REDACTED]
 6. M.I.: W
 7. GRADE: CAPT
 8. L.P.MOR: 0402
 9. STATUS: [REDACTED]
 10. PERIODS COVERED: TD 980510 - 980627
 11. TYPE: N
 12. PERIODS OF NONAVAILABILITY: NA
 13. DUTY ASSIGNMENT: [REDACTED]
 14. MONTHS: 2
 15. T.O. NO: NA
 16. LINE NO.: NA
 17. DUMOS: 9910
 18. SPECIAL INFORMATION: NNNREQ
 19. REPORTING SENIOR: USMC COL [REDACTED] FVB

13a. PERFORMANCE <input type="checkbox"/> NOT OBSERVED <input type="checkbox"/> EXTENDED REPORT	13b. REGULAR DUTIES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	14a. ATTENTION TO DUTY <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15a. YOUR ESTIMATE OF THIS MARINE'S GENERAL VALUE TO THE SERVICE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
13c. ADDITIONAL DUTIES <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13d. ADMINISTRATIVE DUTIES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	14b. COOPERATION <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15b. DISTRIBUTION OF MARKS FOR ALL MARINES OF THIS GRADE 0
13e. HANDLING OFFICERS (MARK EACH "NOT") <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13f. HANDLING ENLISTED PERSONNEL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	14c. INITIATIVE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15c. FILL BOXES SO THAT THE SUM OF EACH COLUMN CORRESPONDS TO ITEM 15b 1
13g. TRAINING PERSONNEL <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13h. TACTICAL HANDLING OF TROOPS <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	14d. JUDGMENT <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15d. 2
13i. ENDURANCE <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13j. PERSONAL APPEARANCE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	14e. FORCE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15e. 4
13k. MILITARY PRESENCE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	13l. QUALITIES <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	14f. LEADERSHIP <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	15f. 8
14a. PERSONAL RELATIONS <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	14b. ECONOMY OF MANAGEMENT <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	14c. LOYALTY <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	17. CONSIDERING THE REQUIREMENTS OF SERVICE IN WAR, INDICATE YOUR ATTITUDE TOWARD HAVING THIS MARINE UNDER YOUR COMMAND. <input type="checkbox"/> NOT OBSERVED <input type="checkbox"/> PREFER NOT <input type="checkbox"/> BE WILKING <input type="checkbox"/> BE GLAD <input checked="" type="checkbox"/> PARTICULARLY DESIRE
14d. GROWTH POTENTIAL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	14e. GROWTH POTENTIAL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	14f. GROWTH POTENTIAL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	18. HAD THE MARINE BEEN THE SUBJECT OF ANY OF THE FOLLOWING REPORTS? IF YES, REFERENCE IN SECTION C. a. COMMENDATORY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO b. ADVERSE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO c. DISCIPLINARY ACTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			19. REPORT BASED ON OBSERVATION: <input checked="" type="checkbox"/> DAILY <input type="checkbox"/> FREQUENT <input type="checkbox"/> INFREQUENT
			20. RECOMMENDATION FOR NEXT DUTY (CONCUR WITH SNO): <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C
			21. RESERVED FOR FUTURE USE

RECORD A CONCISE APPRAISAL OF THE PROFESSIONAL CHARACTER OF MARINE REPORTED ON. THIS SPACE MUST NOT BE LEFT BLANK.

As [REDACTED] was assigned additional duties of OIC for Ceremonies and Special Events. Displayed alacrity and skill in organizing and managing multifaceted escort activities for major events involving Ambassadors, Generals, and high-level visitors from 17 countries. Tactful and diplomatic; outstanding communication skills. Diligent in accomplishing assigned tasks; determined in producing superior results. Possesses superior managerial skills and ability to handle multiple tasks independently. Qualified for promotion and recommended for positions of increased responsibility. SNO nominated for Impact NAM for this duty period. Completed all PME requirements for current grade. SNO's height is 69", and weight is 175 lbs, and is within standards.

22. I CERTIFY the information in section A is correct to the best of my knowledge. Signature of Marine reported on: [REDACTED] (Date) [REDACTED]	23. I CERTIFY the information in section B is true and correct to the best of my knowledge. Signature of Reporting Senior: [REDACTED] (Date) [REDACTED]
24. (Check one when required) I HAVE BEEN THIS COMPLETED REPORT AND <input type="checkbox"/> I HAVE NO STATEMENT TO MAKE. <input type="checkbox"/> I HAVE ATTACHED A STATEMENT Signature of Marine reported on: [REDACTED] (Date) [REDACTED]	25. REVIEWING OFFICER (Name, Grade, Service, Duty Assignment) J C HARDEE COL CHIEF OF STAFF USMC 26. INITIALS: [REDACTED] 27. DATE: 980627

MARINE REPORTED ON (Last Name) (First Name) (M.I.)	GRADE	IDENTIFICATION NO.	PERIOD (From)	(To)	OCCASION
[REDACTED]	CAPT	[REDACTED]	[REDACTED]	[REDACTED]	T

REPORTING SENIOR'S CERTIFICATION

I certify that on the terminal date shown in item 3 of Section A, I was the Reporting Senior for only those Marines of the grade as shown in item 15b of Section B. Those Marines are ALPHABETICALLY LISTED below. I rank this Marine as NA (only rank Marines marked Outstanding in 15a and b; mark NA if not applicable).

NAME (Last, First M.I.)	PMOS	NAME (Last, First M.I.)	PMO
-------------------------	------	-------------------------	-----

SIGNATURE

DATE

REVIEWING OFFICER'S CERTIFICATION

- 1 I have not had sufficient opportunity to observe this Marine, so I have no comment.
- 2 I have had only limited opportunity to observe this Marine, but from what I have observed I generally concur with the Reporting Senior's marks in items 15a and b.
- 3 I have had sufficient opportunity to observe this Marine, and concur with the Reporting Senior's marks in items 15a and b.
- 4 I have had sufficient opportunity to observe this Marine, and do not concur with the Reporting Senior's marks in items 15a and b. I would evaluate this Marine as _____ (Item 15a) and rank this Marine as _____ (only rank those evaluated as Outstanding (OS)).

REMARKS (mandatory if item 4, above, is checked):

SIGNATURE

DATE

980625



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

4271-01

IN REPLY REFER TO:

1600
CMT
22 May 2001

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR
APPLICATION; CASE OF [REDACTED]

Ref: (a) CMC ltr 1610/MMER/PERB dtd 10May 2001

1. Recommend Capt [REDACTED] request to remove his failure of selection be denied. The following justification is provided.
2. Captain [REDACTED] overall record is not very competitive. His record reflects significant negative trends in the areas of regular duties, administrative duties, attention to duty, initiative, judgment, force, leadership, and economy of management. Significant trends are identified by five or more marks in excellent. On many reports Captain [REDACTED] is not rated against other officers. When he is rated against others, Captain [REDACTED] is rarely ranked highest. In 60% of his reports, Captain [REDACTED] is rated less than outstanding. In addition, Captain [REDACTED] has an unresolved 10-month date gap in his record and has not completed PME for his grade. These factors may have caused his record to be less than competitive when compared to his peers.
3. The reference authorized a minor change to the value and distribution marks on one of Captain [REDACTED] fitness reports. However, this change does not affect the officer's overall performance history. Therefore, there is no compelling reason to remove his failure of selection.
4. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]
By direction