



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

BJG
Docket No: 4315-00
12 September 2000

LTC [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 August 2000. 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) in your case, dated 16 June 2000, and the advisory opinion from the HQMC Officer Assignment Branch, Personnel Management Division (MMOA-4), dated 25 July 2000, copies of which are attached. They also considered your rebuttal letter dated 11 July 2000.

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 substantially concurred with the comments contained in the report of the PERB in finding that your contested fitness reports should stand. Since they found no defect in your performance record, they had no basis to remove your failures by the Fiscal Year 2000 and 2001 Colonel Selection Boards. In view of the above, your application 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

Enclosures



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

IN REPLY REFER TO:
1610
MMER/PERB
16 JUN 2000

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
LIEUTENANT COLONEL [REDACTED], USMC

Ref: (a) LtCol [REDACTED] DD Form 149 of 15 Mar 00
(b) MCO P1610.7C w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 June 2000 to consider Lieutenant Colonel [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 891001 to 900930 (AN)
- b. Report B - 901001 to 910611 (CH)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner contends that the reports are both incorrect and substantively inaccurate. Specifically, he believes the reports contain several inconsistencies between the marks in Sections B and the comments in Section C, as well as his distribution in the Reporting Senior's Certifications. To support his appeal, the petitioner provides his own detailed statement and a copy of FY88-FY90 Recruiting Statistics for the 12th Marine Corps District.

3. In its proceedings, the PERB concluded that both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Both reports reflect overall "outstanding" accounts of mission accomplishment, with positive and praiseworthy comments in the respective Section C narratives. Those evaluations were presumably written within the spirit and intent of reference (b) and there is no discernible contradiction or inaccuracies between any of the Section B ratings and Section C comments.

b. The petitioner's contention that he was never counseled on the implied deficiencies contained in the challenged fitness

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LIEUTENANT [REDACTED] USMC

reports presupposes he had significant deficiencies warranting such specific counseling. From what is contained in both reports, there existed no such deficiencies. It would be naive to believe that performance evaluations within the recruiting environment are not influenced to a certain degree by statistical information. Nevertheless, each report is an evaluation of the "whole Marine" and how performance was executed and what was achieved during the finite period covered by each report. While the petitioner may argue (and substantiate) that he had glowing statistics, the board is quick to emphasize that that does not comprise the entire report. Simply stated, there is no substantiation that either report is inaccurate or less than an honest appraisal.

c. In the last bullet in paragraph five of his appeal statement, the petitioner contends he consistently performed in an exemplary and highly professional manner. That is exactly what the reports at issue reflect.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Lieutenant Colonel [REDACTED] official military record.

5. The case is forwarded for final [REDACTED]

[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



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

4315-00

IN REPLY REFER TO:

1600
MMA-4
25 Jul 00

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

Subj: BCNR PETITION FOR LIEUTENANT COLONEL [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Lieutenant Colonel [REDACTED]
USMC of 21 Jul 00

1. Recommend disapproval of Lieutenant Colonel [REDACTED] implied request for removal of his failures of selection.
2. Per the reference, we reviewed Lieutenant Colonel [REDACTED] record and petition. He failed selection on the FY00 and FY01 USMC Colonel Selection Board. Subsequently, he unsuccessfully petitioned the Performance Evaluation Review Board (PERB) for removal of the Annual fitness report of 891001 to 900930 and the Change of Reporting Senior fitness report of 901001 to 910611. Lieutenant Colonel [REDACTED] petition implies a request for removal of his failures of selection.
3. In our opinion, removing the petitioned reports would have significantly increased the competitiveness of the record. However, the unfavorable PERB action does not reflect a material change in the record as it appeared before the FY00 and FY01 Boards and his record received a substantially complete and fair evaluation by both boards. Therefore, we recommend disapproval of Lieutenant Colonel [REDACTED] implied request for removal of his failures of selection.
4. Point of contact: [REDACTED]

[REDACTED]
Colonel, U.S. Marine Corps
Head, Officer Assignments Branch
Personnel Management Division