



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

BJG
Docket No: 5327-01
17 September 2001

LT [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Colonel [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 13 September 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 3 July 2001, and the advisory opinion from the HQMC Career Management Team, dated 2 August 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 substantially concurred with the comments contained in the report of the PERB in finding that your contested fitness reports should stand. Since the Board found no defect in your performance record, they had no basis to strike your failures by the Fiscal Year 2000 through 2002 Reserve 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

532701

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



IN REPLY REFER TO:

1610
MMER/PERB
3 JUL 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
LIEUTENANT COLONEL [REDACTED] USMCR

Ref: (a) LtCol [REDACTED] DD Form 149 of 16 Mar 01
(b) MCO P1610.7D

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 27 June 2001 to consider Lieutenant Colonel [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 950617 to 951130 (AR)
- b. Report B - 951201 to 960602 (EN)

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

2. The petitioner contends that when reviewed in its total context, Report A presents an unfavorable word-picture of his performance as a battalion commander. Concerning Report B, the petitioner observes that even though the appraisal reflects some improvement, it was not sufficient to ameliorate the leadership concerns surfaced in the preceding evaluation (i.e., Report A). Given the negative implications, the petitioner believes both reports should have been processed as "adverse" material prior to being accepted into his official military personnel file.

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 are succinct, candid, and straight-forward accounts of successful performance of duty and how the petitioner accomplished his leadership and command responsibilities. There are not, as the petitioner contends, any marks in Section B or comments in Section C that render either report "adverse" as that term is defined in reference (b).

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
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Consequently, the reports were correctly not referred to the petitioner for acknowledgement and the opportunity to comment.

b. There are various valid leadership styles that are successful in producing satisfactory results. There is nothing untoward about a "consensus building" leadership style. Further, the Reporting Senior was well within the spirit and intent of reference (b) in making growth potential comments regarding the petitioner's leadership and tactical maturation. Even officers in the grade of lieutenant colonel, and especially members of the Reserve establishment who are only in a military environment a minimal amount of time, are expected to grow. That is the exact fruition that occurred and was recorded in Report B.

c. Notwithstanding the petitioner's contentions that the reports are unfavorable, he offers no substantiation they are not true and accurate accounts of his overall performance during the stated periods. Likewise, we find nothing to show precisely how or why the petitioner rated more than what has been recorded. To this end, the PERB discerns absolutely no error or injustice.

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 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



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

IN REPLY REFER TO:
1070
CMT
2 Aug 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: RESERVE AFFAIRS REVIEW OF FAILURE OF SELECTION
ADVISORY OPINION ON BCNR APPLICATION; CASE OF
LIEUTENANT COLONEL [REDACTED]
USMCR

Ref: (a) LtCol [REDACTED] FORM 149 dtd 16 Mar 2001

1. We have reviewed Lieutenant Colonel [REDACTED] request for removal of failures of selection to Colonel based on the removal of the Annual Report dated 950617 to 951130 and the Ending Report dated 951201 to 960602 and recommend that it not be granted.

2. Lieutenant Colonel [REDACTED] career spans almost 25 years as an officer. In the course of his career, he had some early and significant trends in the following areas: Regular Duties, Judgment, Handling Officers, Military Presence, Administrative Duties, Training Personnel, and Economy of Management. His trends occurred up through the rank of captain and to a lesser degree through Major. Overall, his career and abilities showed maturation over time. Throughout his career, he has been ranked below 60 officers, with 59 and above 41. The removal of the fitness reports in question would not change this significantly; he would still be ranked below 53 officers. He was not ranked consistently to the right of his peers until he was a mid-grade major. Furthermore, there is no indication in his record that he has completed the PME appropriate for his grade. Based on the above and the selection rate to the rank of colonel, he appears to be less than competitive when compared with his peers.

3. The point of contact concerning this matter is Lieutenant [REDACTED] at commercial [REDACTED] DS [REDACTED]

[REDACTED]

By [REDACTED] direction