



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

BJG
Docket No: 5074-02
11 July 2002

CWO [REDACTED] USMC
[REDACTED]

Dear Chief Warrant Officer [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 11 July 2002. 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 3 June 2002, a copy of which is attached. They also considered your undated rebuttal letter.

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. They were unable to find you were erroneously evaluated, or that the reporting senior (RS) failed to clarify what he considered your duties to be. The statement at enclosure (3) to your application, which indicates the RS was "concerned" about unit diary entries, does not establish that he misunderstood anything, or that he was "quick to accuse [you]." 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

Enclosure



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

IN REPLY REFER TO:
1610
MMER/PERB
JUN 03 2002

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 [REDACTED]
[REDACTED] USMC

Ref: (a) CWO [REDACTED] DD Form 149 of 7 Feb 02
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 29 May 2002 to consider CWO-2 [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 000501 to 001006 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner alleges he received very little support from his Reporting Senior, the Company Commanders, and the Company First Sergeants in carrying out his duties as the Personnel Officer for the 2d Tank Battalion. To support his appeal, the petitioner furnishes his own detailed statement, his two most recent fitness reports, a letter and fitness report from a former Reporting Senior, a letter from the Officer-in-Charge, 2d Marine Division Administrative Assistance Team, and a copy of the CGRI results matrix.

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

a. At the outset, the Board emphasizes that a majority of the documentation included with reference (a) covers periods prior to the challenged fitness report. As such, it is simply not germane to the issues at hand.

b. From what has been recorded in the fitness report, it can be concluded that the petitioner failed to establish firm guidelines and to develop/institute procedures to ensure that his goals and timelines were met. Consequently, the line companies did not support those administrative efforts and the actions that were ultimately accomplished resulted in very dismal and expected failures. As succinctly stated by the

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Reviewing Officer, he could not trust the petitioner to take care of the administrative needs of the Marines in 2d Tank Battalion. As a result, the petitioner was relieved. That action was well within the prerogative of the Battalion Commander (Reviewing Officer) and nothing furnished with reference (a) proves his decision was unwarranted.

- 4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of [REDACTED]'s 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