



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

BJG  
Docket No: 7522-01  
18 January 2002

MR [REDACTED]  
[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 17 January 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 20 September 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 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. Accordingly, 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

7522-01  
IN REPLY REFER TO:  
1610  
MMER/PERB  
20 SEP 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  
SERGEANT [REDACTED], USMC

Ref: (a) Sergeant [REDACTED] DD Form 149 of 10 Jul 01  
(b) MCO P1610.7E

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 September 2001 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 981001 to 990305 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends he should have been provided an opportunity to acknowledge and respond to the Reviewing Officer's remarks.

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. The Reviewing Officer's action/comments merely echo and confirm what the Reporting Senior recorded. Specifically:

(1) The Reviewing Officer concurred with the Reporting Senior's assessment that indicated the petitioner was unsatisfactory. Such was the case for the information in Item K-3, Comparative Assessment.

(2) The Reviewing Officer stated the petitioner did not meet NCO standards (i.e., he received nonjudicial punishment).

(3) The Reporting Senior marked "no" in Item 7 (recommendation for promotion). Likewise, the Reviewing Officer concurred that the petitioner should not be promoted with contemporaries.

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b. Since the Reviewing Officer added no additional or new  
adversity to the report, the petitioner was correctly not  
required to sight, acknowledge, or respond to his comments.

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

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps