



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

BJG
Docket No: 8032-01
21 February 2002

MSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Master Sergeant [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 21 February 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 11 January 2002, 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

4032-01

IN REPLY REFER TO:

1610
MMER/PERB
JAN 11 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
MASTER SERGEANT [REDACTED], [REDACTED] USMC

Ref: (a) [REDACTED] DD Form 149 of 1 Oct 01
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 January 2002 to consider Master Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 991001 to 000704 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is unjust, owing to an "unfortunate misplaced personal relationship" as opposed to an assessment of his actual performance. He also denies any counseling on perceived deficiencies prior to submission of the fitness report and argues the report itself was used as a counseling tool. To support his appeal, the petitioner furnishes copies of e-mail transmissions, a FSMAO inspection, the fitness report at issue, his Request Mast to the Commanding General, 3d Marine Aircraft Wing, excerpts from reference (b), and his prior fitness reports.

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 Board specifically notes the petitioner's proficiency in the area of supply was never an issue. It was his inability to mentor and train/develop his subordinate Marines that caused a "hostile work environment" (Reviewing Officer's verbiage) and ultimately resulted in his removal from the unit. This deficiency was addressed by all three reporting officials (i.e., the Reporting Senior, Reviewing Officer, and Third Sighting Officer).

b. The petitioner has not substantiated his allegations disclaiming performance counseling and undue influence on the

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MASTER SERGEANT L [REDACTED] [REDACTED] USMC

part of Gunnery Sergeants [REDACTED] [REDACTED] [REDACTED],
to gain first-hand insight into these serious matters, the
briefing officer for this case contacted both the Reporting
Senior (Captain [REDACTED]) and the Adverse Sighting Officer
(Lieutenant Colonel [REDACTED]). Both officers responded via
e-mail and provided valuable information.

(1) Captain [REDACTED] consulted his "notebook" and
documented no less than 16 entries from January to August 2000.
Some of these included: a discussion with the petitioner
("counseling") during January 2000 regarding his leadership
style and the need to provide his (the petitioner's) non-
commissioned officers with certain responsibilities and to treat
them with respect; a discussion with the petitioner on 19 April
2000 ("counseling") regarding declining morale in the shop; five
separate discussions on 11 May 2000 concerning the relationship
between the staff noncommissioned officers and the Reporting
Senior's decision to "micromanage" until such time as all worked
together. Captain [REDACTED] addressed the petitioner's
contention concerning his relationship with the two Gunnery
Sergeants and completely dispelled the perception that it was
anything other than professional. He expanded on his own
leadership style and specifically stated that issues within the
shop were brought to his attention and resulted in an investi-
gation, an EEO complaint, and ultimately the challenged fitness
report.

(2) Lieutenant Colonel [REDACTED] relayed that Captain
[REDACTED] approached him several months after the petitioner's
arrival and indicated he (the petitioner) was creating a
"terrible work environment" (Lieutenant Colonel [REDACTED]
verbiage). He instructed Captain [REDACTED] on proper counseling
procedures (which were already being followed) and said he would
do nothing in the way of removing the petitioner until he was
satisfied the petitioner had been given every opportunity to
correct his deficiencies. When this did not occur, the
petitioner was relieved. His specific statement in his e-mail
response was: "The needless disrespect and harassment the Top
showed the Marines in his charge was enough for me to relieve
him. The MSgt requested mast and the fitrep and relief were
upheld."

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MASTER SERGEANT [REDACTED] J [REDACTED] USMC

NOTE: Owing to the provisions of the Privacy Act, copies of the e-mail transmissions from Captain [REDACTED] and Lieutenant Colonel [REDACTED] are not included herein. If, however, a member of the BCNR staff desires to personally view them, they are available in the offices of the PERB.

c. Simply stated, the Board is not convinced or persuaded by the petitioner's arguments. Not only do the statements from Captain [REDACTED] and Lieutenant Colonel [REDACTED] diffuse his arguments, the documentation included with reference (a) does nothing to invalidate the adversity of the evaluation.

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