



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

JN

BJG
Docket No: 9134-02
15 November 2002

MSC [REDACTED] USMC
[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 15 November 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 9 October 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. In addition, they questioned the reliability of the comments at paragraph 2 of the reviewing officer's letter dated 22 August 2000, as the letter was submitted nearly two years after the reporting period, and you indicate the sentence stating where you were serving was incorrect. 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

9134-02

IN REPLY REFER TO:

1610
MMER/PERB
OCT 09 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] USMC

Ref: (a) MSgt [REDACTED]'s DD Form 149 of 13 Aug 02
(b) MCO P1610.7D w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 October 2002 to consider Master Sergeant [REDACTED]'s petition contained in reference (a). Addition of Reviewing Officer's remarks to the fitness report for the period 971101 to 980930 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner furnishes a letter from the Reviewing Officer of record, Colonel [REDACTED] indicating that an administrative error occurred in that his comments were omitted from the fitness report at issue.

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. In his letter of August 22, 2002 to the Commandant of the Marine Corps, Colonel [REDACTED] states that his Reviewing Officer's remarks were omitted from the petitioner's fitness report. In the second paragraph of that letter, he elaborates on the petitioner's contributions, but never specifies precisely what comments are to now be included. The petitioner, however, has chosen to believe the entire second paragraph contains the intended verbiage (minus one sentence). Succinctly stated, the Board cannot discern Colonel [REDACTED] intent.

b. It is the policy of the PERB that to justify amendment of a fitness report, evidence of probable material error or injustice should be produced. Such is simply not the situation in this case.

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4. The Board's opinion, based on deliberation and secret ballot vote, is that Reviewing Officer's comments should not be added to the contested fitness report.

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