



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

JSR  
Docket No: 9103-08  
20 November 2008

[REDACTED]

[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.

It is noted that Headquarters Marine Corps (HQMC) has modified, as you requested, section A, item 4 (duty assignment) of the fitness report at issue, for 4 January to 30 June 2007, to show "MALS 26 SAD SNCOIC [staff noncommissioned officer in charge]" vice "MALS 26 NCOIC SAD" and item 10f (reporting senior (RS)'s duty assignment) to show "MALS 26 SAD OIC" vice "MALS 26 NCOIC SAD."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 November 2008. 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 HQMC Performance Evaluation Review Board (PERB), dated 17 September 2008, a copy of which is attached.

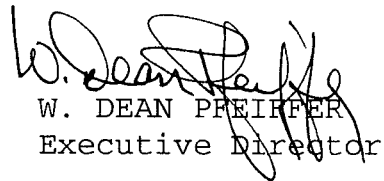
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Further, the Board observed that while you asserted the marks

the RS assigned you were inaccurate, neither you nor he specified what marks would have been accurate; and his endorsement of 15 March 2008 on your letter of the same date did not address the marks. Finally, the Board was unable to find the ending date of the reporting period concerned should have been 1 June 2007, rather than 30 June 2007. In view of the above, your application for relief beyond that effected by HQMC has been denied. The names and votes of the members of the panel will be furnished upon request.

Although the Board voted not to modify further the fitness report in question, you may submit your letter of 15 March 2008, with the reporting senior's endorsement, to future selection boards.

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