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

JSR  
Docket No: 12035-08  
12 February 2009

[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.

You requested, in effect, that the fitness report for 1 January to 5 July 2008 be modified, in accordance with the reporting senior (RS)'s letter dated 20 October 2008, by raising the mark in section D.1 ("Performance") from "E" (third best of seven possible marks) to "F" (second best) and section E.2 ("Effectiveness under Stress") from "D" (fourth best) to "E," and entering, in the section D justification, the supporting comments proposed in the RS's letter.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 February 2009. 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 December 2008, a copy of which is attached.

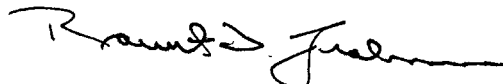
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was

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. The Board noted that while the marks the RS assigned you in the contested report were identical to those he had assigned you in the immediately preceding report, for 18 July to 31 December 2007, his narrative was different. The Board recognized that the RS's letter was submitted less than four months after the reporting period, however, it was unable to find the proposed higher marks were more accurate or fair. 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.

Although the Board voted not to modify the fitness report in question, you may submit the RS's letter 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,



For W. DEAN PFEIFFER  
Executive Director

Enclosure