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

JSR
Docket No: 174-09
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 completely removing the fitness report for 1 January to 26 April 2002. It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by removing, from section I (reporting senior's "Directed and Additional Comments"), "With experience, should develop into a good admin [administrative] chief [language to which you did not expressly object]." and removing, from section K.4 (reviewing officer's comments), "At this point, requires supervision to achieve desired results, but striving to grow."

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 6 January 2009, a copy of which is attached, and your letter dated 3 February 2009 with enclosures.

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. While the Board recognized that the fitness report for 1 January to 31 December 2001, from the same reporting senior, was marked higher than the contested report, the Board observed that the only deficiency noted in the report at issue was that you required "supervision to achieve desired results [language whose removal has been directed]." The Board was unable to find this would have called for formal counseling, that the period of the report in question was too short to allow for improvement, or that the report itself was used as a counseling tool. In view of the above, your application for relief beyond or other than that effected by CMC 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,

Ronald D. Jadmon

FOR W. DEAN PFEIFFER
Executive Director

Enclosure