



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

JSR  
Docket No: 6125-09  
6 August 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 2 March to 30 November 2005 be modified, in accordance with the letter from the reporting senior (RS) dated 10 January 2009, by raising the marks in sections D.2 ("Proficiency") and G.2 ("Decision Making Ability") from "D" (fourth best of seven possible marks) to "E" (third best). You further requested that the report for 1 December 2005 to 30 June 2006 be modified, in accordance with the same letter from the RS and the letter dated 22 January 2009 from the reviewing officer (RO), by raising the marks in sections D.1 ("Performance"), D.2, E.2 ("Effectiveness under Stress"), and E.3 ("Initiative") from "D" to "E" and sections E.1 ("Courage") and F.1 ("Leading Subordinates") from "C" (fifth best) to "D."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 August 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 3 June 2009, 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, except to note the RS did not retire until 1 July 2009, about six months after he had submitted his letter. Accordingly, 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 either of the fitness reports in question, you may submit the letters from the RS and RO 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