



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

JSR

Docket No: 8538-09

7 January 2010

[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 that the fitness report for 1 August 2001 to 4 February 2002 be completely removed. You further requested that the report for 28 January to 25 March 2007 be modified, in accordance with the letters dated 17 February 2009 from the reporting senior (RS) and reviewing officer (RO), by raising the marks in sections D.1 ("Performance"), D.2 ("Proficiency"), E.2 ("Effectiveness under Stress"), E.3 ("Initiative"), F.3 ("Setting the Example"), G.2 ("Decision Making Ability") and G.3 ("Judgment") from "E" (third best of seven possible marks) to "G" (best); E.1 ("Courage") and F.4 ("Ensuring Well-being of Subordinates") from "D" (fourth best) to "F" (second best); F.1 ("Leading Subordinates") and F.5 ("Communication Skills") from "E" to "F"; and F.2 ("Developing Subordinates") and G.1 ("Professional Military Education") from "D" to "E."

It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested report for 1 August 2001 to 4 February 2002.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 January 2010. 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 10 August 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. The Board also noted that marks of "F" and "G" require specific justification. In view of the above, your application for relief beyond that effected by CMC 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 for 28 January to 25 March 2007, 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 PFEFFER
Executive Director

Enclosure