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

JSR
Docket No: 8575-09
8 October 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 that four fitness reports, for the periods indicated below, be modified by removing the quoted language from section I (reporting senior's "Directed and Additional Comments"):

1. 29 March to 31 July 2001: "-With continued growth and development will do extremely well."
2. 31 July 2001 to 31 January 2002: "...with continued growth and development should do extremely well."
3. 1 February to 24 May 2002: "...learning his role as a platoon commander and officer of Marines."
4. 25 May to 19 December 2002: "With continued growth, experience, and maturity, MRO [Marine reported on] has the potential to be an exceptional officer."

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modification of the report for 1 February to 24 May 2002; and directed that the report for 25 May to 19 December 2002 be modified by removing both the language whose removal you expressly requested and the following immediately preceding language, to which you did not expressly object:

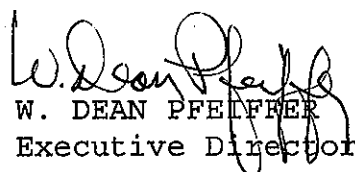
"Gaining a grasp on his role and responsibilities as a platoon commander and officer of Marines."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 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 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. Accordingly, 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,


W. DEAN PFEIFFER
Executive Director

Enclosure