



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

JSR
Docket No: 12296-09
14 January 2010

[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 reports for 31 May to 30 September 2007 and 3 October 2007 to 30 September 2008.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report for 31 May to 30 September 2007 by deleting the mark from section A, item 6.c ("Disciplinary Action") and removing, from section I (reporting senior's "Directed and Additional Comments"), "SNM [Subject named Marine] was given a page 11 entry for making improper charges on his government issued credit card." It is further noted that CMC has directed modifying the contested report for 3 October 2007 to 30 September 2008 by removing, from section K.4 (reviewing officer's comments), "- Fulfills collateral requirements under routine supervision. Maturity, attention to detail and staff function capabilities under development."


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 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 18 November 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the report of the PERB, except the Board was persuaded that the reporting senior's portion of the original version of a superseded version of the contested fitness report for 3 October 2007 to 30 September 2008 was adverse. The Board was unable to find that your nonjudicial punishment after the reporting period influenced the report in question. 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.

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