



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

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JSR
Docket No: 5730-10
29 July 2010

[REDACTED]

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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 1 May 2006 and modifying the report for 28 April to 31 December 2006 by removing, from section I (reporting senior's "Directed and Additional Comments"), reference to your removal from the Body Composition Program (BCP).

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modification of the report for 28 April to 31 December 2006, specifically, removing the following:

His efforts to overcome a history of weight control .
Have been nothing short of exemplary. He has
indoctrinated an exercise and diet plan that resulted
successful early release from the BCP program, bringing
him well within height and weight standards and greatly
improved his overall military appearance.

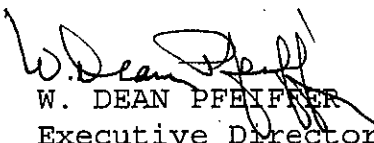
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 reports of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 8 April and 24 May 2010, copies of which are 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 concerning the contested report for 1 January to 1 May 2006. In this connection, the Board substantially concurred with the comments contained in the report of the PERB dated 24 May 2010. Accordingly, 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