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DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

BJG  
Docket No: 6644-12  
18 October 2012

[REDACTED]

Dear [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 removing the fitness reports for 21 June to 31 October 2009 and 1 November 2009 to 4 June 2010.

It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested report for 21 June to 31 October 2009 and modifying the report for 1 November 2009 to 4 June 2010 by marking section A, item 6.a ("Marine Subject Of: Commendatory Material") and adding, to section I (reporting senior's "Directed and Additional Comments"), "Directed Comments: Sect[ion] A, Item 6a. SNM [Subject Named Marine] received a Letter of Appreciation and Certificate of Appreciation during the reporting period."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2012. 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. The Board also considered the reports of the Headquarters Marine Corps Performance Evaluation

Review Board (PERB), dated 6 April and 19 June 2012, copies of which are attached. Finally, the Board considered the letter on your behalf from [REDACTED] United States Marine Corps, dated 9 July 2012.

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 reports of the PERB in finding the remaining contested fitness report should stand. The statement from [REDACTED] did not persuade the Board that this report should have evaluated you more favorably. The Board was unable to find this report should have been split into two reports, as you contend, noting you did not state why you believe you should have received two reports for the period concerned. 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosures