



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

JSR

JSR
Docket No: NR4717-13
14 August 2014

[REDACTED]

Dear Chief Warrant Officer [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 report for 1 May 2010 to 10 January 2011 and all other adverse documentation relating to an allegation of misconduct on 16 May 2010. You also requested that the date of rank and effective date of your promotion to chief warrant officer 2 be backdated from 2 May 2012 to 1 August 2010.

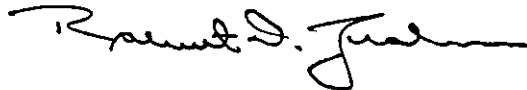
It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested fitness report.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 August 2014. 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 and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) dated 17 May 2013, the e-mail from HQMC dated 18 July 2013, and the advisory opinions furnished by HQMC dated 18 February 2014 with attachment (MEMORANDUM FOR SECRETARY OF THE NAVY, Subject: Promotion Recommendation in [your case] dated 28 January 2013) and 5 June 2014, 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. In this connection, the Board substantially concurred with the advisory opinions. 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure