



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

JSR

Docket No: NR5059-13

10 October 2013

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.

By letter of 11 April 2013, you requested removing the service record page 11 ("Administrative Remarks (1070)") entry dated 15 September 2008. You also requested reconsideration of your previous request (docket number NR3165-13), denied on 23 May 2013, to remove the fitness report for 4 July to 30 September 2008.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 October 2013. 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, the Board's file on your previous case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion from Headquarters Marine Corps (HQMC) MIQ dated 1 August 2013, and the memorandum from HQMC MMER/PERB dated 23 August 2013.

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 advisory opinion from MIQ and the memorandum from MMER/PERB. The Board was

unable to accept your unsupported assertion that [REDACTED] rather than the person whose signature appears in the "Signature of CO [commanding officer]" space of the contested page 11 entry, should have signed the entry as your CO. In this regard, the Board noted that section A, item 10.f of the contested fitness report, which documents your receipt of the page 11 entry, shows the title of [REDACTED] your reporting senior, as "Assistant Log[istics] Officer," rather than CO. Further, the Board observed that section A, item 6.b ("Derogatory Material") of the contested fitness report is marked, reflecting the page 11 entry the report says you received during the reporting period, and that Marine Corps Order 1610.7F, paragraph 4003.6.b provides this block is to be marked "if the MRO [Marine reported on] was the subject of derogatory material or incident reports received by the RS [reporting senior] from outside the reporting chain or from within the reporting chain above the RS level [emphasis added] during the reporting period." In view of the above, your application 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