



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

JSR

Docket No: NR4748-14

11 September 2014

[REDACTED]
[REDACTED]
Dear Staff Sergeant [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 initially requested completely removing the fitness reports for 17 April to 7 July 2008, 7 July to 31 December 2008, 1 January to 23 March 2009 and 22 August 2009 to 20 January 2010. By your fax of 8 May 2014, you amended your application to request that the report for 17 April to 7 July 2008 be modified by removing, from section I (reporting senior's "Directed and Additional Comments"), "He is capable of assuming a greater leadership role with the section and greater levels of performance;" and that the report for 7 July to 31 December 2008 be modified by removing, from section I, "He adequately manages and performs the daily tasks required for a battalion level S-1." and "He produces quality results under supervision of senior SNCO's [staff noncommissioned officers] and commissioned officers."

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modifications to the reports for 17 April to 7 July 2008 and 7 July 2008 to 31 December 2008.

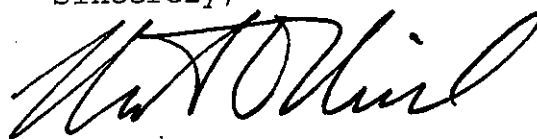
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 September 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, 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 2 April and 20 August 2014, copies of which are attached, and your faxes of 2 May 2014 (supporting statements) and 8 May 2014.

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 dated 2 April 2004 in concluding that the contested fitness reports for 1 January to 23 March 2009 and 22 August 2009 to 20 January 2010 should stand. The supporting statements with your fax of 2 May 2014 did not persuade the Board that either of these reports warranted removal. 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 J. O'NEILL
Executive Director

Enclosure