



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

JSR
Docket No: NR5198-14
19 June 2014

[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 requested removing the fitness reports for 1 January to 25 June 2007, 11 July to 31 December 2009 and 19 May to 31 December 2010.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report for 1 January to 25 June 2007 by removing, from section I (reporting senior's "Directed and Additional Comments"), "MRO [Marine reported on] is assigned to the Body Composition Program." and "SECT[ion] A, Item 5a: MRO is currently assigned to the Body Composition Program." and removing, from section K.4 (reviewing officer's comments), "RS [reporting senior] is on the mark with regards to Body Composition Program."; and modifying the contested report for 19 May to 31 December 2010 by removing, from section I, "- Section A, Item 5a: This is an adverse report due to MRO being assigned to the Body Composition Program on 11 August 2010." and removing, from section K.4, "- SNM [Subject named Marine] was recommended for promotion but cannot be promoted while on the Body Composition Program."

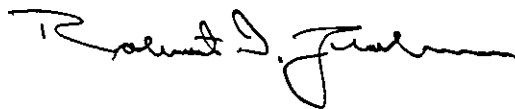
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 three reports of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), one dated 15 April 2014 and two dated 17 April 2014, and the HQMC e-mail dated 5 May 2014 (amending the PERB report dated 17 April 2014 concerning the contested fitness report for 1 January to 25 June 2007), 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 comments contained in the reports of the PERB as amended. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director

Enclosure