



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

aw

JSR

Docket No: NR9149-14

15 October 2014

[REDACTED]

Dear Gunnery 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 July 2010 to 16 May 2011 and 17 May to 16 September 2011. You also requested removing, from your Official Military Personnel File (OMPF) and the Marine Corps Total Force System (MCTFS), all documents and entries reflecting your nonjudicial punishment of 5 May 2011 that has been set aside by your commanding officer's action of 8 April 2014.

It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested fitness report for 1 July 2010 to 16 May 2011. You may submit your request for removing from your OMPF all documents reflecting the set aside NJP to Headquarters Marine Corps (HQMC) MMRP. You may submit your request for removing from MCTFS all entries reflecting the NJP to HQMC MIQ.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 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

report of the HQMC Performance Evaluation Review Board (PERB), dated 1 August 2014, a copy of which is 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 report of the PERB. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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 black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure