



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

BJG
Docket No: 5641-99
7 October 1999

CAP [REDACTED] USMC

Dear C [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.

It is noted that the Commandant of the Marine Corps (CMC) has returned your contested fitness report for 2 July 1997 to 8 May 1998 to your reviewing officer for completion of his certification.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 October 1999. 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 Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 31 August 1999 with enclosure, 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 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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

2641-99

IN REPLY REFER TO:
1610
MMER/PERB
AUG 31 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
CAPTAIN [REDACTED] USMC

Ref: (a) Captain [REDACTED] DD Form 149 of 7 Apr 99
(b) MCO P1610.7D w/Ch 1-4

Encl: (1) Completed Fitness Report 970702 to 980508 (TR)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 30 June 1999 to consider Captain [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970702 to 980508 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner points out the absence of the completion by Colonel [REDACTED] the "Reviewing Officer's Certification" on page two of the report. It is his belief that the presence of two marks of "excellent" in Section B (Items 14f and 14l) made it imperative that the Reviewing Officer should have sighted the report and provided amplifying comments.

3. In its proceedings, the PERB concluded that:

a. The presence of Col [REDACTED] initials in Item 25 of the report certainly lends credence to the fact that he sighted the completed evaluation. That he failed to complete the "Reviewing Officer's Certification" on page two is viewed as an administrative error that does not invalidate the overall substance of the challenged evaluation. In this regard, the Board concluded that return of the report to Colonel [REDACTED] for such action would be appropriate.

b. Colonel [REDACTED] ^{second} completed the "Reviewing Officer's Certification", albeit marking the ~~first~~ block indicating he ~~did not have sufficient~~ ^{did had a} opportunity to observe the petitioner, and ~~therefore had no comment.~~ ^{limited} As a final matter, and contrary to what the petitioner may believe, marks of "excellent" require no justification/comment by either the Reporting Senior or the Reviewing Officer.

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Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
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4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as reflected in the enclosure, should remain a part of Captain [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Colonel, U.S. Marine Corps
Deputy Director
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps

SECTION A. COMPLETED BY REPORTING SENIOR (USE OCR-FONT TYPEWRITER)

PROGRAM: DFR
 ORGANIZATION: [REDACTED]
 TITLE: [REDACTED]
 GRADE: [REDACTED]
 DUTY ASSIGNMENT: [REDACTED]
 STATUS: [REDACTED]
 PERIOD COVERED: [REDACTED]
 OCC: [REDACTED]
 TYPE: [REDACTED]
 PERIODS OF NONAVAILABILITY: [REDACTED]
 DESCRIBING TITLE: STUDENT
 MONTHS: 10
 RGA: [REDACTED]
 IINE NO: NA
 DUBOS: NA
 SPECIAL INFORMATION: NNA226
 RESERVED FOR FUTURE USE: [REDACTED]
 ORGANIZED RESERVE DRILLS: [REDACTED]
 PERMITS REQUIRING TRANSPORTATION: [REDACTED]
 LOCATION: [REDACTED]
 DUTY PREFERENCE: Y00 | Y00 | Y00 | AS DIRECTED
 REPORTING SENIOR: USMC MAJ
 IDENTIFICATION NO: 007627633
 NAME AND DUTY ASSIGNMENT: G P OLSON COMMAND INSTRUCTOR

SECTION B. COMPLETED BY REPORTING SENIOR (USE BLACK INK AND FILL THE BOX TO INDICATE YOUR ESTIMATE OF THIS MARINE)

12a. SPECIAL CASE REPORT	12b. PERFORMANCE REPORT	12c. EXTENDED REPORT	12d. ATTENTION TO DUTY	12e. COOPERATION	12f. INITIATIVE	12g. JUDGMENT	12h. PRESENCE OF MIND	12i. FORCE	12j. LEADERSHIP	12k. LOYALTY	12l. PERSONAL RELATIONS	12m. ECONOMY OF MANAGEMENT	12n. GROWTH POTENTIAL	15a. YOUR ESTIMATE OF THIS MARINE'S GENERAL VALUE TO THE SERVICE	15b. DISTRIBUTION OF MARKS FOR ALL MARINES OF THIS GRADE	15c. FILL IN BOXES SO THAT THE SUM OF EACH COLUMN CORRESPONDS TO ITEM 15a	16. CONSIDERING THE REQUIREMENTS OF SERVICE IN WAR INDICATE YOUR ATTITUDE TOWARD HAVING THIS MARINE UNDER YOUR COMMAND	17. HAS THE MARINE BEEN THE SUBJECT OF ANY OF THE FOLLOWING REPORTS?	18. REPORT BASED ON OBSERVATION	19. QUALIFIED FOR PROMOTION	20. RECOMMENDATION FOR NEXT DUTY ASSIGNMENT	21. RESERVED FOR FUTURE USE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION C. REPORTING SENIOR (USE TYPEWRITER)

Professional, outspoken and strongly opinioned. Unafraid to contribute during discussions on any subject; digs in and holds his ground unswayed by peer pressure or popular opinion. Significantly enhanced his classmates understanding of fire support in the infantry battalion; took strides towards becoming a MAGTF officer rather than an infantry officer. 81mm mortar instructor during FSCAC at 29 Palms; contributed to his classmates' education. Concerned about the Corps; agonizes over issues that affect the infantrymen of the future; active member of riverine warfare concept working group. Willing to work; little patience for minutiae; enjoys making decisions and defending them against critique. Conference group S-4A; took charge of complexities of map and book issue/recovery. No lineal standing or final grade is awarded in this learning and evaluation system. MRO'S Ht is 77" and Wt is 230 and is within standards.

SECTION D. SIGNATURES

23. CERTIFY that to the best of my knowledge and belief all entries made hereon are true and correct.

(Signature of Marine reported on) [REDACTED] (Date) [REDACTED]
 (Signature of Reporting Senior) [REDACTED] (Date) 980508

24. (Check one when required) I HAVE SEEN THIS COMPLETED REPORT AND
 I HAVE NO STATEMENT TO MAKE I HAVE ATTACHED A STATEMENT

(Signature of Marine reported on) [REDACTED] (Date) [REDACTED]
 (Signature of Reporting Senior) [REDACTED] (Date) 980529

← STAPLE ADDITIONAL PAGES HERE

Encl (1)

USMC FITNESS REPORT STANDARD ADDENDUM PAGE
 NAVMC HQ 775 (2-88) (1810)

5641-99

1. MARINE REPORTED ON		5. First Name		6. MI		6. Grade	
4. SSN		[REDACTED]		[REDACTED]		CAPT	
2. OCCASION AND PERIOD				3. DUTY ASSIGNMENT			
TR				STUDENT			
4. PURPOSE		Adverse Report		HQMC Use			
Continuation		[REDACTED]		[REDACTED]			
<input type="checkbox"/> Section C		<input type="checkbox"/> [REDACTED]		<input type="checkbox"/> [REDACTED]			
<input type="checkbox"/> RS Certification		<input type="checkbox"/> REVO STATEMENT					
<input checked="" type="checkbox"/> REVO Certification							

5. TEXT

REVIEWING OFFICER'S CERTIFICATION

- I have not had sufficient opportunity to observe this Marine, so I have no comment.
- I have had only limited opportunity to observe this Marine, but from what I have observed I generally concur with the Reporting Senior's marks in Items 15a and b.
- I have had sufficient opportunity to observe this Marine, and concur with the Reporting Senior's marks in Items 15a and b.
- I have had sufficient opportunity to observe this Marine, and do not concur with the Reporting Senior's marks in Items 15a and b. I would evaluate this Marine as _____ (Item 15a) and rank this Marine as _____ of _____ (only rank those evaluated as Outstanding (OS)).

REMARKS (mandatory if Item 4, above, is checked):

6. SUBMITTED BY		7. GENERAL/SENIOR OFFICER ADVERSE REPORT SIGHTING		
[REDACTED]		NAME (Last, First, MI)		
GRADE		TITLE		
COL		[REDACTED]		
[REDACTED]		GRADE	INITIAL	DATE
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

STAPLE ADDITIONAL PAGES HERE

Page ____ OF ____

Encl (1)

SIGNATURE

J. Eiland

DATE 940729

NOTE: The information above WILL NOT be entered into any computer program.

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11 AUG 1999

MEMORANDUM FOR THE RECORD

Subj: CAPTAIN [REDACTED] [REDACTED] THE [REDACTED]

As directed by the Performance Evaluation Review Board in their memorandum 1610 MMER/PERB of 2 July 1999, the subject report was returned to the Reviewing Officer of Record [REDACTED] for completion of the Reviewing Officer's Certification on page two of the report.

The Standard Addendum Page at the adjacent frame is the result of that action and is placed in Captain Eiland's record as directed by the Performance Evaluation Review Board.

[REDACTED]

Enc(1)