



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 2633-99

20 May 1999

SSGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Staff S [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 modified your contested fitness report for 15 May 1997 to 4 January 1998 by correcting the beginning date from 15 May to 8 March 1997.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 May 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 16 April 1999, 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. They noted that your fitness report at issue is not an "extended" report, in that it does not reflect that your evaluation in a prior report remained valid. They found that you are correct that you should have received a "DC" (directed by the Commandant of the Marine Corps) report for 8 March to 7 May 1997. However, they did not consider this a material error warranting corrective action. In this regard, they found that a favorable report for 8 May 1997 to 4 January 1998 could not offset the harmful effect of your nonjudicial punishment, which must be documented in any event. Further, they noted that a "DC" report might well be viewed unfavorably by reviewers of your record. 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,

W. DEAN PFEIFFER  
Executive Director

Enclosure