



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

BJG
Docket No: 4433-99
1 October 1999

[REDACTED] USMC
[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.

It is noted that the Commandant of the Marine Corps (CMC) has removed your adverse fitness report for 17 October to 9 November 1998. The contested documentation of your relief for cause from drill instructor duty does not appear in your Official Military Personnel File, so your request for its removal could not be considered.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 September 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 (HQMC) Performance Evaluation Review Board (PERB), dated 9 July 1999 with enclosure, and the advisory opinion from the HQMC-Manpower Management Enlisted Assignment Branch (MMEA), dated 25 August 1999, a copy of which is attached. They also considered your rebuttal letter dated 15 September 1999 with enclosure.

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 warranting restoration of your drill instructor military occupational specialty (MOS) or your special duty assignment (SDA) pay. In this connection, the Board substantially concurred with the advisory opinion. They were unable to find that the conduct of the other three drill instructors who, you allege, were not relieved for cause was substantially identical to yours. In any event, they found that your relief was clearly warranted. 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

Enclosures