



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

BJG  
Docket No: 1130-01  
9 March 2001

SGT [REDACTED] USMC  
[REDACTED]

Dear 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 modified your contested fitness report for 1 April 1999 to 31 March 2000 to reflect that you were the subject of commendatory material.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2001. 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 7 February 2001, 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.

Specifically concerning your contested report for 1 October 1998 to 31 March 1999, the Board was unable to find that your professional military education (PME) warranted a higher mark in block G.1. The supporting statement at enclosure (3) to your application, where your first sergeant expressed his belief that your neighbor harassed you, did not support a finding that your reporting senior unjustly marked you down as a result of the neighbor's complaints against you. In this regard, they noted the contested report makes no mention of this matter.

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



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

IN REPLY REFER TO:  
1610  
MMER/PERB  
7 FEB 2001

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  
SERGEANT [REDACTED], [REDACTED] USMC

Ref: (a) Sergeant [REDACTED] DD Form 149 of 21 Nov 00  
(b) MCO P1610.7E

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 2 February 2001 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 981001 to 990331 (AN)
- b. Report B - 990401 to 000331 (AN)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner contends that neither the Billet Description nor the Billet Accomplishments on either Report A or B are accurate. These omissions, he infers, constitute inaccurate and unjust fitness reports. In addition to the foregoing, the petitioner also disagrees with several of the "low markings" throughout each report and believes they may have been the result of an ongoing dispute between he and an Air Force Staff Sergeant within the family housing community. To support his appeal, the petitioner furnishes several advocacy statements and a copy of commendatory correspondence.

3. In its proceedings, the PERB concluded that, with one minor exception, both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

- a. The markings on both reports appear consistent with the respective narrative comments in Section I. The reports are the first and second observed evaluations submitted by the same

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Reporting Senior, with the latter report being the higher of the two.

b. Notwithstanding the statements furnished with reference (a), the Board finds nothing of a documentary nature to prove that the petitioner warranted more than what has been recorded. Absent such information, the PERB views the challenged reports as objective and legitimate appraisals of performance during the stated periods.

c. Since the petitioner was the recipient of commendatory material during the period covered by Report B, Item 6a (commendatory) should have been marked "yes" and an amplifying statement included in Section I. The Board does not find that this omission invalidates an otherwise completely acceptable evaluation and has directed the necessary corrective action.

4. The Board's opinion, based on deliberation and secret ballot vote, is that Report A and the amended version of Report B should remain a part of Sergeant [REDACTED] official military record. The limited corrective action identified in subparagraph 3c is considered sufficient.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps