



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

*Handwritten initials*

BJG  
Docket No: 3755-00  
17 August 2000

MAJ [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 August 2000. 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 26 May 2000, and the advisory opinion from the HQMC Officer Assignment Branch, Personnel Management Division (MMOA-4), dated 17 July 2000, copies of which are 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 in finding that the contested fitness report should stand. Since the Board found no defect in your performance record, they had no basis to strike your failure by the Fiscal Year 2001 Lieutenant Colonel Selection Board. In view of the above, your application 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



3755-00

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

IN REPLY REFER TO:  
1610  
MMER/PERB  
26 MAY 2000

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  
MAJ [REDACTED] USMC

Ref: (a) Major [REDACTED] D Form 149 of 10 Mar 00  
(b) MCO P1610.7C w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 18 May 2000 to consider [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 910119 to 910307 (TD) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report covers less than the "required" 90 days and that the marks in Section B are inconsistent with the comments in Section C (which he believes are inaccurate). To support his appeal, the petitioner furnishes his own statement and a letter from Lieutenant Colonel [REDACTED].

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The Reporting Senior clearly indicated in Item 18 that his observation was "daily" -- a fact supported by the Reviewing Officer when he concurred in the appraisal. While reference (b) states that 90 days is normally required when the Marine reported on is with a new Reporting Senior, there are stated exceptions. Combat is recognized as one of those exceptions, based on the high tempo of activity and operations in such an environment.

b. A grade in Item 13e (Handling Enlisted Personnel) was not solely limited to actually having Marines directly under charge. Rather, it also covered how a senior interacted with, motivated, and lead subordinates, as in all those junior with whom he/she had contact.

c. Contrary to the petitioner's assertion, the Board discerns no conflict/contradiction between any of the ratings in Section B and the comments in Section C.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
 ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
 MAJOR [REDACTED] 3 [REDACTED] USMC

d. Lieutenant Colonel [REDACTED] advocacy comments at enclosure (2) to reference (a) are obvious in their praise of the petitioner. However, nine years ago he was a fellow captain and did not have Reporting Senior responsibility. Nor is it presumed that he was in a position to better observe and evaluate the petitioner than were the Reporting and Reviewing Officers, or even had a better recollection of the petitioner's performance.

e. The petitioner has chosen to take selected Section B grades and Section C comments out of context to somehow argue that the report is contradictory. He overlooks the fact that any report is based on the "whole Marine" concept -- not just isolated actions/accomplishments during the period.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Major [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]  
 R. [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



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
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3755-00

IN REPLY REFER TO:

1600  
MMOA-4  
17 Jul 00

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

Subj: BCNR PETITION FOR MA [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED] USMC  
of 6 Jul 00

1. Recommend disapproval [REDACTED] implied request for  
removal of his failure of selection.

2. Per the reference, we reviewed [REDACTED] record and  
petition. He failed selection on the FY01 USMC Lieutenant Colonel  
Selection Board. Subsequently, he unsuccessfully petitioned the  
Performance Evaluation Review Board (PERB) for removal of the To  
Temporary Duty fitness report of 910119 to 910307. [REDACTED]  
petition implies a request for removal of his failure of  
selection.

3. In our opinion, removing the petitioned report would have  
increased the competitiveness of the record. However, the  
unfavorable PERB action does not reflect a material change in the  
record as it appeared before the FY01 Board and his record  
received a substantially complete and fair evaluation by the  
board. Therefore, we recommend disapproval of [REDACTED]  
implied request for removal of his failure of selection.

4. Point of contact [REDACTED]

[REDACTED]  
D. S. BURGESS  
Colonel, U.S. Marine Corps  
Head, Officer Assignments Branch  
Personnel Management Division