



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

BJG  
Docket No: 4271-01  
15 August 2001

CAPT [REDACTED] USMCR  
[REDACTED]  
[REDACTED]

Dear Captain [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.

You requested that the fitness report for 10 May to 27 June 1998 be modified by removing the mark of "EX/OS" (excellent/outstanding, the second highest) in item 15a (your estimate of this Marine's general value to the service) and the marks in items 15b and c (showing five captains ranked above you and one with you). You also requested removal of your failure by the Fiscal Year (FY) 2001 Reserve Major Selection Board.

It is noted that the Commandant of the Marine Corps (CMC) has modified items 15b and c of the fitness report in question to show that you were not compared with any other captain.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 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 (HQMC) Performance Evaluation Review Board (PERB), dated 23 May 2001 with enclosures, and the advisory opinion from HQMC dated 22 May 2001, 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 noted your contention that the reporting senior advised you that you would be marked "OS" (highest) in item 15a. However, this did not persuade them that the "EX/OS" mark he actually assigned you was improper. They substantially concurred with the advisory opinion dated 22 May 2001 in finding your selection by the FY 2001 Reserve Major Selection Board would have been definitely

unlikely, even if the fitness report in question had reflected the correction to items 15b and c. 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