



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 04484-00

11 September 2000

SSGT [REDACTED] USMCR
[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. You requested removal of a fitness report for 12 December 1998 to 30 June 1999 and the service record page 11 ("Administrative Remarks (1070)") entry dated 24 June 1999 with your rebuttal dated 28 June 1999.

It is noted that the Commandant of the Marine Corps (CMC) has removed the contested page 11 entry and your rebuttal.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 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 Performance Evaluation Review Board (PERB), dated 23 June 2000, and the memorandum from HQMC (MI) dated 18 August 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 regarding the contested fitness report. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, 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

4464-00



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

IN REPLY REFER TO:
1610
MMER/PERB
23 JUN 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
STAFF SERGEANT [REDACTED]
USMCR

Ref: (a) SS [REDACTED]'s DD Form 149 of 27 Mar 00
(b) MCO P1610.7E

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 21 June 2000 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 981212 to 990630 (AR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the comments and comparative assessment rendered by the Reviewing Officer are unjust and constitute the "velvet knife." She believes those comments effectively undermine her credibility and discredit her capabilities as an Administrative Chief. As additional matters, the petitioner argues that the Reviewing Officer's geographical separation (she in Florida; he in New York) precluded sufficient observation, and that his comments and assessment were based on a MCAAT assistance visit. To support her appeal, the petitioner furnishes her own detailed statement, a copy of Page 11 from her Service Record Book (SRB), her rebuttal to the Page 11 entry of 24 June 1999, and a statement from the Inspector-Instructor at her gaining command.

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. If, as the petitioner suggests, the report's markings and comments by the Reviewing Officer reflect the results of a less than glowing MCAAT assistance inspection, one would suspect certain markings to reflect substandard performance. They do not. With the inception of the performance evaluation system contained in reference (b), an institutional emphasis on curbing inflation was established. The markings assigned in the challenged report appear to be in compliance with that policy.

(3) AD 45

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
STAFF SERGEANT [REDACTED],
USMCR

b. While the petitioner may believe the report reflects the one single phase of her performance, there is absolutely no documentary evidence whatsoever to corroborate her opinion. Likewise, we find nothing to show precisely how she may have rated more than what has been recorded. To this end, the Board concludes that the petitioner has failed to meet the burden of proof necessary to establish the existence of either an error or an injustice.

c. Although the petitioner and the Reviewing Officer may have been physically separated by some distance, that fact alone does not negate his awareness of her contribution to overall mission accomplishment.

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

5. The case is forwarded for final action.

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

4484-00



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

IN REPLY REFER TO:

1070
MI

18 AUG 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF [REDACTED]
[REDACTED] ID 508 [REDACTED] USMC

Encl: (1) CMC ltr 1070 MI of 18 Aug 2000
(2) CMC MEMORANDUM dated 18 Aug 2000

1. We reviewed Staff [REDACTED] application and supporting documents concerning her request for removal of the Administrative Remarks page 11 entry dated 990624 and rebuttal statement dated 990628 from her service records.
2. Staff [REDACTED] claim why she believes that her records are in error or unjust is supported by MCO 7220.13G, Marine Corps Administrative Analysis Team (MCAAT) Program.
3. The enclosures are forwarded, informing the Board of the requested action administratively granted by this office.
4. Upon receipt, this office will forward to the Board the documents requested in enclosure (1).
5. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]

Head, Field Support Branch
Manpower Management Information
Systems Division



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

4484-00

IN REPLY REFER TO:

1070
MI
18 AUG 2000

From: Commandant of the Marine Corps
To: [REDACTED] S
Reserve [REDACTED] 0

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED] USMC

Ref: (a) MCO P1070.12J

1. The Board for Correction of Naval Records (BCNR) has requested that this Headquarters review Staff Sergeant [REDACTED]'s application and provide advisory opinions and recommendations. Additionally, in the event [REDACTED]'s requested action(s) can be granted administratively, corrective action by this Headquarters is authorized.

2. After a review of Staff Sergeant [REDACTED]'s records (OMPF/SRB) and her application, it has been determined that her SRB contains an error.

3. Corrections to Staff Sergeant [REDACTED]'s SRB must be completed by the custodian of her field service record per the reference. Effective upon receipt, it is requested that the following Administrative Remarks, NAVMC 118(11)a be corrected:

a. Remove the Administrative Remarks (1070), NAVMC 118(11)a from her SRB and return to this Headquarters under separate cover.

b. Reconstruct the Administrative Remarks (1070), NAVMC 118(11)a, by recording all original entries except for the entry dated 990624.

c. Cite this letter as authority for the record correction/reconstruction.

4. Point of contact is [REDACTED]
EMAIL at welchjr@manpower.usmc.mil.

[REDACTED]

By direction

ENCLOSURE (1)

4424-00

18 Aug 00

MEMORANDUM

From: [REDACTED]
 To: Head, Personnel [REDACTED]
 Subj: CORRECTION OF THE OFFICIAL MILITARY PERSONNEL FILE IN THE
 CASE OF STAFF [REDACTED]
 USMC AND STAFF SERGEANT [REDACTED]
 76 1836/0100 USMC
 Ref: (a) MCO P1070.12J A

1. The Board for Correction of Naval Records (BCNR) has requested that this Headquarters review the subject named Marines' applications and provide advisory opinions and recommendations concerning their alleged claim of error and injustice to their records. Additionally, in the event that their requested action(s) can be granted administratively, corrective action by this Headquarters is authorized per the reference.

2. After a review of their applications and records (OMPF/SRB), it has been determined that the following errors require corrective action:

a. Request that the page 11 entry dated 990624 be expunged from [REDACTED]'s OMPF.

b. Request that the rebuttal statement dated 990628 be expunged [REDACTED]'s OMPF.

c. Request a review of [REDACTED]'s OMPF to confirm that any reference to page 11 entries dated 970805, 980915, and 981118 has not been filed in his OMPF, and if so, be expunged.

d. Request a review of [REDACTED]'s OMPF to confirm that any reference to rebuttal statements for page 11 entries dated 970805, 980915, and 981118 has not been filed in his OMPF, and if so, be expunged.

3. Point of contact is [REDACTED] or by [REDACTED]