



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

BJG  
Docket No: 4656-00  
17 August 2000

CWC [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Chief Warrant Officer [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 Performance Evaluation Review Board (PERB), dated 5 July 2000, 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. Accordingly, 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

Enclosure



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

4656-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
5 JUL 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  
[REDACTED] SMC

Ref: (a) [REDACTED] DD Form 149 of 15 Mar 00  
(b) MCO PI610.7D

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 27 June 2000 to consider [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 950525 to 951106 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner believes the report is "grossly unjust" in its markings and the characterization of his service. He further alleges the report is a personal attack rather than an objective evaluation of his overall performance. To support his appeal, the petitioner furnishes his own detailed statement, a copy of the complete fitness report, copies of e-mail transmission to and from the Reporting Senior, an e-mail transmission from [REDACTED] and a copy of his subsequent fitness report (951108 to 960309 (CH)).

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. In his statement appended to reference (a), the petitioner has done little more than reiterate what he previously stated in his official statement of rebuttal and what is essentially the same version of events refuted in the Reviewing Officer's adjudication. The petitioner's allegation that he was never counseled -- "...not a single instance in which the Reporting Senior brought me in...received no counseling identifying my deficiencies..." -- were flatly rejected in the Reviewing Officer's adjudication. In fact, Colonel [REDACTED] specifically addressed the counseling issue by stating: "I have been personally involved in discussions with the RS and MRO concerning the condition of the motor pool which, if I were the MRO, I would have considered counseling. I feel that adequate counseling was conducted."

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
CWO-2 [REDACTED] USMC

b. The petitioner's comments regarding the qualifications of the Reporting Senior to "...objectively and accurately" assess the functioning of the motor pool, and ultimately his performance, are baseless. During their entry level MOS school, every 0802 (artillery) officer receives formal instruction in maintenance management, Equipment Repair Orders (ERO's), the accompanying Shopping List (EROSL), SL-3 allowances, preventive maintenance schedules and shop management (to include parts accountability, pre-expend bins, and procedures to request a modification of allowances). Subsequent to their assignment to the operating forces, junior officers are generally assigned collateral duty assignments, such as a Battery Motor Transport Officer. Though not possessing a 3502 (Motor Transport) MOS, these officers capably handle all of the responsibilities associated with managing accounts in excess of 30-40 pieces of rolling stock. The petitioner's beliefs notwithstanding, the Reporting Senior had more than enough experience and time to render an accurate evaluation.

c. The e-mail statement provided by the petitioner's successor is not germane to the challenged fitness report. As [REDACTED] states: "...did not serve in the same unit at the same time and... working conditions change over time." Likewise, the petitioner's attempt to compare a subsequent evaluation with the one under consideration is irrelevant.

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

5. The case is forwarded for final action.

[REDACTED]

A.  
Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps