



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

BJG  
Docket No: 4662-00  
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 Performance Evaluation Review Board (PERB), dated 28 June 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

4662-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
28 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  
MAJOR [REDACTED] USMC

Ref: (a) Major [REDACTED] DD Form 149 of 13 Apr 00  
(b) MCO P1610.7C w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 21 June 2000 to consider Major [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 921101 to 930701 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the marks in Items 13c (administrative duties), 13e (handling enlisted personnel), 13f (training personnel), and 15b are inaccurate and unjustified. To support his appeal, the petitioner furnishes his own statement, a letter from Lieutenant Colonel [REDACTED] USMC(Ret), a copy of a Request Mast package, and revised fitness report.

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 purpose and intent of the copy of the report at enclosure (3) to reference (a) is unclear. First of all, it has an ending date almost two months prior to the challenged report. It also contains a different reporting occasion and was never reviewed by (then) [REDACTED]. Simply stated, it has no official standing whatsoever.

b. While the petitioner claims the fitness report was rewritten because of his disagreement and Request Mast action, that has not been proven with any documentary evidence. The petitioner's Request Mast form and 15 June 1993 letter at enclosure (3) to reference (a) contain only his signatures, and no substantiation as to what conclusions were reached or action directed. There is no endorsement by anyone in higher authority and no indication that (then) Lieutenant Colonel [REDACTED] was ever directed to rewrite the report.

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c. In his letter appended to reference (a), the petitioner fails to provide a timeline when his stated accomplishments were achieved and when he actually took command of H&S Company. The Reporting Senior's decision to make the challenged performance evaluation the official report (with the two added months of observation) circumstantially seems valid. (Then) Lieutenant Colonel [REDACTED] apparently relinquished command of 2d Tank Battalion on 1 July 1993. Had that not been the case, the change of duty (CD) report at enclosure (3) to reference (a) may have been warranted. However, knowing that a change of command was to occur, the report under consideration was appropriate per the provisions of subparagraph 3003.2 of reference (b). Technically, the Reporting Senior should have included a comment in Section C that the petitioner was now the H&S Company Commander. However, since the petitioner had apparently been in that billet only a few weeks, it is highly probable that it was too early to render any meaningful commentary. To this end, the Board discerns neither an error nor an injustice.

d. The letter from Lieutenant Colonel [REDACTED] notwithstanding, the Board finds nothing to prove that the challenged fitness report is anything other than an accurate and objective evaluation of the petitioner's performance during the stated period. That he disagrees with certain marks is not viewed as a factual or substantive inaccuracy, but rather a difference of opinion with the Reporting Senior as to the degree of success.

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

5. The case is forwarded for final action.

[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