



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

BJG  
Docket No: 5613-00  
3 August 2001

1ST [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Lieuten[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 2 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 Performance Evaluation Review Board (PERB), dated 14 August 2000, and a memorandum for the record dated 11 July 2001, copies of which are attached. They also considered your letters dated 31 August 2000 with enclosure, 23 May 2001 and 16 July 2001 with enclosures, the case examiner's electronic mail (e-mail) dated 10 July 2001 and your e-mail reply dated 10 July 2001, and the letter in your behalf from Lieutenant D. A. Bochner, Medical Service Corps, United States Naval Reserve, dated 7 September 2000.

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 and the comments of the PERB chairperson reflected in the memorandum for the record. Your letter of 16 July 2001 with the two supporting statements did not persuade them that your contested fitness report was erroneous or unjust. 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

Enclosure

Copy to:  
The Honorable Michael Bilirakis

1610  
MMER/PERB  
14 AUG 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 FIRST  
LIEUTENANT [REDACTED], [REDACTED], USMC

Ref: (a) 1stLt. [REDACTED] DD Form 149 of 24 Apr 00  
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 August 2000 to consider First Lieutenant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 000108 to 000307 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the recommendation to not be considered for promotion and the Reviewing Officer's comments render the report "unjust." To support his appeal, the petitioner furnishes copies of previous fitness reports, the diagnosis/prognosis from the Department Head, Mental Health Unit, Parris Island, and a copy of the Reviewing Officer's endorsement on petitioner's resignation request.

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 petitioner offers no evidence to refute either the accuracy or fairness of the report. As portrayed in the narratives by both Captain [REDACTED] and Lieutenant Colonel [REDACTED] the adversity of the challenged report centers around the petitioner's own acknowledgment that he was unable to fulfill the duties assigned him as an Officer of marines. The concurrent request to resign his commission and the documented treatment and diagnosis by competent medical authorities for mental health disorders confirm the inability of the petitioner to competently serve as a leader. These deficiencies, clearly acknowledged by the petitioner, adversely affected the command and were appropriately documented by the reporting officials.

b. The petitioner's argument that the language included in the challenged report is "unusually harsh" is unfounded. In the endorsement of the petitioner's request for resignation,

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Lieutenant Colonel [REDACTED] clearly stated that the petitioner was aware of his manifested problems prior to accepting his permanent change of station (PCS) orders to Marine Corps Recruit Depot, Parris Island, South Carolina. Even so, he failed to notify his chain of command or seek assistance. Only after having executed PCS orders and being confronted with pending responsibilities did the petitioner surface his reservations and intent to resign. The reporting officials clearly documented and conveyed the facts as they were presented (i.e., the petitioner stated he was unable to perform both the specific duties of a Series Officer at MCRD and "...the most basic tasks entrusted to a Marine Corps Officer."). The petitioner had, in fact, "quit" at this point and his actions were properly recorded via the performance evaluation system. To this end, the PERB discerns absolutely no error or injustice.

c. The statement of 6 March 2000 from Lieutenant [REDACTED] MSC, USNR (enclosure (2) to reference (a)) confirms the limited basis, or suitability, of any potential future service by the petitioner. Beyond that context, Lieutenant [REDACTED]'s letter has no further bearing on the validity of the fitness report at issue.

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