



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

BJG
Docket No: 6363-01
14 September 2001

MAJ [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Mr. [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 13 September 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 10 August 2001, 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

6363-01



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

IN REPLY REFER TO:
1610
MMER/PERB
10 AUG 2001

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] USMCR

Ref: (a) [REDACTED] DD Form 149 of 12 Jun 01
(b) MCO P1610.7E w/Ch 1

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 8 August 2001 to consider [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 991001 to 991231 (AR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the report was completed by officers who were neither his Reporting Senior nor Reviewing Officer during the stated period. Additionally, he states the TR (transfer) report of 991001-000708 included the period of the challenged report and identified that an AR (Reserve annual) report had not been completed. To support his appeal, the petitioner furnishes a copy of his Master Brief Sheet and the report for the period 991001 to 000708 (TR).

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. Simply stated, the petitioner's claim has not been substantiated. His duty assignment and unit did not change from the prior fitness report and the reporting period is chronologically correct. Additionally, the reporting officials of record are identical to those officers on the immediately preceding report.

b. What has occurred is that the subsequent transfer (TR) report (enclosed with reference (a)) was submitted with incorrect dates. It extends well beyond the date for annual (AR) fitness reports for Majors in the Selected Marine Corps Reserve (SMCR) and fails to comply with the provisions of paragraph 3007 of reference (b) (i.e., "Extended reports are

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intended for use when an MRO's performance has not changed since the submission of the last AN, AR, or SA report and another reporting occasion becomes due within 89 days or less.").

c. To ensure continuity in the petitioner's record and eliminate the obvious overlap that currently exists, the Board is directing that Item 3b ("from" date) on the petitioner's fitness report for the period 991001 to 000708 (TR) be changed to "000101."

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