



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

BJG  
Docket No: 7293-01  
17 October 2001

1STLT [REDACTED] SMCR  
[REDACTED]  
[REDACTED]

Dear Lieutenant [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 October 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 September 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



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

IN REPLY REFER TO:  
1610  
MMER/PERB  
14 SEP 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 FIRST  
LIEUTENANT [REDACTED] SMC

Ref: (a) 1st [REDACTED] DD Form 149 of 15 Jun 01  
(b) MCO P1610.7E w/Ch 1-2  
(c) MCO 6100.10B (Weight Control and Military Appearance)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 September 2001 to consider First Lieutenant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 990801 to 000418 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is unjust regarding the adversity associated with weight control issues. To support his appeal, the petitioner furnishes his own detailed statement, a copy of the challenged fitness report, documentation concerning his own weight control, and subsequent fitness reports.

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 has furnished absolutely nothing in the way of documentary evidence to support his claim. When he responded to the adverse nature of the report approximately a year ago, he surfaced almost the exact arguments he now details in reference (a). We specifically note that Major [REDACTED] the Reviewing Officer, thoroughly adjudicated and resolved all of the petitioner's concerns, albeit in favor of the accuracy of the Reporting Senior's evaluation.

b. Succinctly stated, the petitioner's height/weight situation was accomplished per the policy stipulated in references (b) and (c). The petitioner had been assigned to weight control during the period covered by the challenged fitness report and that matter was correctly recorded. In fact, the very documentation included with reference (a) counters the

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petitioner's argument that he was not aware of the consequence of his problems until January 2000. The papers show he was weighed and measured, seen by an ACHCP, and officially placed on the Weight Control Program. That all took place between 2-10 August 1999.

c. The new policy forthcoming in MCO P6100.3K (Marine Corps Physical Fitness Test and Body Composition Program), and which will replace reference (c), was not in place when the challenged report was prepared. Consequently, it has no bearing on the petitioner's situation.

d. The Board emphasizes that to justify deletion or amendment to a fitness report, evidence of probable error or injustice should be produced. Such is simply not the situation in this case.

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]'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