



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

SMC
Docket No: 07355-00
5 April 2001

SSGT [REDACTED] SMC

Dear Staff Sergeant [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 5 April 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 26 October 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. 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



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

IN REPLY REFER TO:
1610
MMER/PERB
26 OCT 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 STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSg [REDACTED] DD Form 149 of 12 Jan 00
(b) MCO P1610.7E w/Ch 1

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 26 October 2000 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 981215 to 991114 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner believes the fitness report was used as a counseling tool as opposed to an evaluation of performance. He also alleges that he was never counseled on substandard performance and that the Third Officer Sighting was not as per reference (b). To support his appeal, the petitioner furnishes his own statement, copy of his Request Mast, a copy of his prior fitness report (980826-981111), and several advocacy letters.

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. While the petitioner disclaims any counseling, the Board notes that in his Request Mast application (6 December 1999), the petitioner cites two specific instances **during the reporting period** when he was counseled (27 September and 28 October 1999). Given the circumstances in the challenged fitness report, and especially in view of the detailed commentary on the matter of "counseling" by both the Reviewing Officer [REDACTED] and the Third Sighting Officer (Lieutenant [REDACTED]), the Board concludes that the petitioner's argument in this regard is without merit.

b. The advocacy statements included with reference (a) are sympathetic and supportive of the petitioner; however, they do not invalidate the observations of the reporting officials involved in the performance evaluation cycle. Simply stated, it

(3) PERB

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is their perspectives versus those officially charged with the responsibility to evaluate and document performance.

c. The petitioner provides no elaboration as to why he believes "...third officer sighting was not completed as required by regulation." It certainly stands to reason that since the Battalion Executive Officer reviewed the report, then the Battalion Commander was the appropriate Third Sighting Officer. We find nothing to prove to the contrary.

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

5. The case is forwarded for final action.

[REDACTED]
[REDACTED]
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps