



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

SMC
Docket No: 07837-00
23 February 2001

SGT [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear 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 23 February 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 9 November 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. The Board duly considered the statement dated 16 September 1999 from the equal opportunity advisor, but this statement did not persuade them that the contested fitness report was not a fair and accurate appraisal. Specifically, it did not persuade them that the contested fitness report was in reprisal for your having sought assistance from the equal opportunity advisor. 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
9 NOV 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
SERGEANT [REDACTED] USMCR

Ref: (a) Sergeant [REDACTED]'s DD Form 149 of 18 Jan 00
(b) MCO P1610.7E

Encl: (1) Completed Fitness Report 981005 to 990205 (TR)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 29 March 2000 to consider Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 981005 to 990205 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that neither the Reporting Senior nor the Reviewing Officer had sufficient observation of her and her performance to render a meaningful evaluation. She also indicates the report fails to include personal accomplishments, that she never received a copy of the signed report, that she was never counseled on the assigned marks, and that the report contains adverse and unsupported comments. To support her appeal, the petitioner furnishes her own statement, copies of two versions of the report, and copies of several electronic mail transmissions.

3. In its proceedings, the PERB concluded that:

a. As contended the report contains adverse comments which the petitioner should have acknowledged. Owing to the relative recency of the report at the time reference (a) was first considered by the PERB (13 months), the Board found referral to be an appropriate remedy, and directed that such be accomplished.

b. All action attendant to rebuttal and adjudication of the report has been completed and both the Reviewing Officer (Lieutenant Colonel [REDACTED]) and Adverse Sighting Officer (Mr. [REDACTED]) have alleviated any question or doubt that the report represents anything other than a fair, accurate, and objective assessment of the petitioner's demonstrated performance during the stated period.

(3) PERB

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
SERGEANT [REDACTED] SMCR

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

5. The case is forwarded for final action.

[REDACTED]

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