



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

BJG
Docket No: 6619-02
4 September 2002

Dear

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 29 August 2002. 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 (HQMC) Performance Evaluation Review Board (PERB), dated 18 July 2002, and the advisory opinion from the HQMC Officer Assignment Branch, Personnel Management Division, dated 18 July 2002, copies of which are attached. They also considered your rebuttal letter dated 26 August 2002.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish probable material error or injustice.

The Board substantially concurred with the comments contained in the report of the PERB in finding that the contested section K (reviewing officer (RO) marks and comments) of the fitness report for 1 June 2000 to 31 May 2001 should stand. They did not consider the comment "Abilities commensurate with rank and longevity" to be vague or confusing, nor did they find it to be adverse. They found no requirement that the section K at issue include substantiation for this comment. They were unable to find the relationship between the RO and the reporting senior (RS) influenced the RO comments on your fitness report. They found no inconsistency between the section K at issue and the RO's having endorsed you for a Meritorious Service Medal. Finally, they found no requirement for the RO to comment expressly on your qualification for promotion; but they noted he expressed no disagreement with the RS comment, in section I of the fitness report in question, that you were "Completely qualified for promotion."

Since the Board found no defect in your performance record, they had no basis to strike your failure of selection by the Fiscal Year 2003 Colonel Selection Board.

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

Enclosures

