



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

BJG
Docket No: 8080-02
22 November 2002

[REDACTED] SMC
[REDACTED]

D [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 21 November 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 Performance Evaluation Review Board (PERB), dated 12 September 2002, and two memoranda for the record, dated 16 October and 20 November 2002, copies of which are attached. They also considered your reporting senior's letter dated 4 October 2002, the Marine Corps personnel officer letter dated 9 October 2002, and your letter dated 8 November 2002 with enclosures.

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. They were not persuaded of any error or injustice in the original version of the fitness report at issue. In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As indicated above, the Board voted not to amend the contested fitness report. However, they noted that you could submit to any future selection board, as enclosures to correspondence from you to that selection board, documentation showing that both the reporting senior and reviewing officer supported the changes reflected in your letter of 25 April 2002, with its enclosed Addendum Page signed by the reporting senior.

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



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

8080-02

IN REPLY REFER TO:

1610
MMER/PERB
SEP 12 2002

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] SMC

Ref: (a) Sergeant [REDACTED] Form 149 of 27 Jun 02
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 11 September 2002 to consider Sergeant [REDACTED] petition contained in reference (a). Administrative changes to his fitness report for the period 000912 to 010102 (CH) were requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report should have reflected the Reporting Senior's intended recommendation for accelerated promotion. To support his appeal, the petitioner furnishes a letter from him to the Commandant of the Marine Corps, and endorsed by both reporting officials.

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. In their endorsements to the petitioner's letter, neither the Reporting Senior nor the Reviewing Officer provided any valid justification for altering the challenged fitness report. In fact, there is no substantiation whatsoever. The respective endorsements by those officers are nothing more than signatures on documents generated by the petitioner himself.

b. The Board believes it is quite evident, based on the report itself, that at the time it was written, neither CWO-2 [REDACTED] endorsed the report to be an "accelerated report" as defined in reference (b).

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness should remain unchanged.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
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SERGEANT [REDACTED] USMC

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

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PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

MEMORANDUM FOR THE RECORD

DATE: 16OCT02

DOCKET NUMBER: [REDACTED]

PETITIONER (PET): [REDACTED] JSMC

PARTY CALLED: [REDACTED] QMC PERB

TELEPHONE #: N/A

WHAT I SAID: I ASKED DAHRIE IF SHE HAD CONTACTED THE RS AND RO IN PET'S CASE.

WHAT PARTY SAID: DAHRIE INFORMED ME THAT THE RS WAS CONTACTED AND THAT HE STATED THAT IT WAS HIS INTENT TO NOW SUBMIT AN ACCELERATED FITREP ON PET. THE RO WAS ALSO CONTACTED, AND HE SAID THAT HE WOULD NOT CONCUR IN THE SUBMISSION OF AN ACCELERATED FITREP ON PET.

[REDACTED]

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MEMORANDUM FOR THE RECORD

DATE: 20NOV02

DOCKET NO: [REDACTED]

PETITIONER (PET): [REDACTED] USMC

PARTY WHO CALLED: CW03 [REDACTED] USMC

TELEPHONE #: N/A

WHAT I SAID: N/A

WHAT PARTY SAID: CW03 [REDACTED] THAT SHE NOW
CONCURS WITH AN ACCELERATED FITREP FOR PET.

B. George

BRIAN J. GEORGE