



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

BJG

Docket N [REDACTED]

21 NOV [REDACTED]

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 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 16 October 2002, 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

9071-02

IN REPLY REFER TO:

1610  
MMER/PERB  
OCT 16 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  
STAFF SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 1 Aug 02  
(b) MCO 1610.7E w/CH 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 October 2002 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 000101 to 001231 (AN)
- b. Report B - 010101 to 010731 (TR)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner contends the reports are substantively inaccurate in their appraisals of his performance. It is his belief that the outstanding comments in Section I are inconsistent with the assigned markings; that no semi-annual counseling occurred to alert him on a decline in performance; and that there is an inconsistency in the Reviewing Officer's comparative assessments. To support his appeal, the petitioner furnishes copies of the challenged reports and the one immediately preceding Report A, extracts from his Service Record Book (SRB) to confirm the absence of counseling, a copy of his Navy and Marine Corps Achievement medal, and a letter from Master Sergeant Peto.

3. In its proceedings, the PERB concluded that both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

- a. A review of both reports indicates the respective reporting officials evaluated the petitioner's performance appropriately and without any evidence of undue bias or

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

prejudice. Although he has stated the reports do not reflect his past performance and are inconsistent with the comments in the respective Section I categories, the petitioner must understand that it is his demonstrated performance and what was accomplished during a specific reporting period that is reflected in any fitness report. Succinctly stated, one report is not dependent on any of those issued either prior or subsequent. As for the petitioner's belief that the reports are internally inconsistent the board discerns no evidence that this is the case.

b. To clarify the issue of counseling, a member of the PERB staff contacted the Reporting Senior [REDACTED]. He was very specific in stating that his policy is to sit down every six months with each Marine who works for him and advise him or her of job performance. He was emphatic that the petitioner was no exception and that he was also given a copy of his fitness report markings prior to signature. The petitioner was offered the opportunity to review the marks, and if he disagreed, to advise the Reporting Senior and discuss justification. Mr. [REDACTED] stated that he checked with the petitioner and was told he had no problem with the assigned marks. The foregoing notwithstanding, the Board finds nothing in reference (a) (to include the advocacy statement from Master Sergeant Peto) to indicate either report is inaccurate or unfair, or that the petitioner somehow rated more than what has been recorded.

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