



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

BJG  
Docket No: 10142-02  
19 December 2002

[REDACTED]

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 18 December 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 8 November 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

10142-02

IN REPLY REFER TO:

1610  
MMER/PERB  
NOV 03 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], JR. [REDACTED] USMC

Ref: (a) SSgt [REDACTED] Form 149 of 28 Aug 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 7 November 2002 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 010331 to 011231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the marks and comments in the challenged fitness report do not accurately portray his work ethic, nor do they reflect his job accomplishments. To support his appeal, the petitioner furnishes a copy of the report at issue, two Letters of Appreciation, recommendations for meritorious promotion to Gunnery Sergeant, and a letter of recommendation and endorsement for selection to Warrant Officer.

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. Notwithstanding the documentation included with reference (a), the Board finds nothing to show that the challenged fitness report is anything other than a fair, accurate, and objective evaluation of the petitioner's performance during the stated period. The opinions of other individuals, who submitted advocacy letters for various reasons, do not serve to either invalidate or question the judgmental opinions of the reporting officials.

b. The commendatory correspondence attached as enclosures (2) and (5) of the petitioner's letter to the Board has been duly noted in Item 5a and Section I of the report. Again, those letters do not overshadow or otherwise negate the evaluations of

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the Reporting Senior and Reviewing Officer, both of whom were charged with the responsibility of officially evaluating and documenting the petitioner's performance.

c. It is the position of the Board that to justify deletion of a report, evidence of probable error or injustice should be produced. Such is not the situation in this case.

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]

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