



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

BJG  
Docket No: 7987-03  
17 October 2003

CAPT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Captain [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 17 October 2003. 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 17 September 2003, 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

IN REPLY REFER TO:  
1610  
MMER/PERB  
SEP 17 2003

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  
CAPTAIN ██████████ USMC

Ref: (a) Captain ██████████ DD Form 149 of 19 May 03  
(b) MCO P1610.7

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 10 September 2003 to consider Captain ██████████'s petition contained in reference (a). Removal of the fitness report for the period 980101 to 980429 (TD) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends there are comments in Section C that render the report "adverse", yet she was not given an opportunity to furnish a statement of rebuttal. She also infers that since the majority of her regular duties concerned equipment maintenance, the mark of "outstanding" in Item 13a (Regular Duties) is inconsistent with the following statement in Section C: "Required moderate supervision in maintaining her platoons equipment." Finally, the petitioner believes the markings in Section B fail to support the verbiage in Section C.

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. Contrary to the petitioner's beliefs, the Board discerns absolutely nothing "adverse" in Section C. That she opines otherwise is viewed as a misinterpretation or misunderstanding of the criteria established in Chapter 5 of reference (b) regarding what constitutes adversity. By stating the petitioner required "moderate" supervision is viewed as the Reporting Senior's indication that she required no more than what would be expected of a Marine of her grade and experience.

b. There is nothing internally inconsistent with the challenged fitness report. It is, in all respects, an

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evaluation of highly satisfactory performance during the four-month period.

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

5. The case is forwarded for final action.

[REDACTED]

Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps