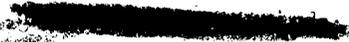




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG

Docket No: 6177-06
28 September 2006



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 28 September 2006. 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 11 July 2006, and the advisory opinion from the HQMC Officer Counseling Section, Personnel Management Division, dated 4 August 2006, copies of which are 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. Since the Board found no defect in your performance record, it had no grounds to remove either of your failures of selection by the Fiscal Year 1997 and 1998 Reserve Major Selection Boards.

Since the Board found insufficient basis to remove either of your failures of selection to major, it had no grounds to set aside your discharge from the Marine Corps Reserve on 1 April 1998 or promote you to major. 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



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

IN REPLY REFER TO:
1610
MMER/PERB
JUL 11 2006

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
[REDACTED], USMC

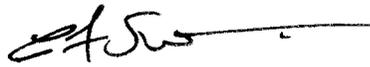
Ref: (a) [REDACTED] DD Form 149 of 1 Feb 06
(b) MCO P1610.7E w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 5 July 2006 to consider [REDACTED] petition contained in reference (a). Modification of his fitness reports covering the periods 19901101 to 19901221 (CD), 19901222 to 19910327 (CH), 19910823 to 19920510 (CH) and 19920511 to 19920816 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.
2. The petitioner requests four fitness reports be corrected to reflect a category of outstanding.
3. In its proceedings, the Board concluded that the reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:
 - a. The petitioner contends, "had I not been targeted for reprisal for not showing up at MCRD, Parris Island like I was originally suppose to, I would have received fitness reports that were outstanding in nature." The petitioner recites a series of events that delayed his arrival to MCRD, Parris Island, which angered the CG, MCRD Parris Island and led to him receiving less than outstanding fitness reports. However, he fails to provide evidence to substantiate his claim.
 - b. The Board concluded that all four reports were submitted in the spirit and intent of reference (b), are a positive account of satisfactory performance, and reflect overall evaluations of "excellent to outstanding" and "excellent".

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

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

5. The case is forwarded for final action.



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



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

IN REPLY REFER TO:
1600
MMAA-4
4 Aug 06

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS**

Subj: BCNR PETITION FOR [REDACTED]

Ref: (a) MMER Request for Advisory Opinion in the case
of [REDACTED]
of 31 Jul 06

1. Recommend disapproval of [REDACTED]'s request for removal of his failure of selection from the FY97 and FY98 USMCR Major Selection Boards.

2. Per the reference, we reviewed [REDACTED]'s record and petition. He failed selection on the FY97 and FY98 USMCR Major Selection Boards. Subsequently he petitioned the Performance Evaluation Review Board (PERB) to modify CD report 19901101 to 19901221, CH report 19901222 to 19910327, CH report 19910823 to 19920510 and TR report 19920511 to 19920816 and to remove his failure of selection.

3. The PERB's decision on 11 Jul 06 was that the petitioned reports were both administratively correct and procedurally complete as written and filed. The PERB concluded that the petitioned reports should remain a part of [REDACTED] official military record. As there is no change [REDACTED] record, we recommend disapproval of his request for removal of his failure of selection.

4. Point of contact is Lieutenant Colonel J. M. Morrisroe, (703) 784-9281.

J. M. MORRISROE
Lieutenant Colonel, USMC
Head, Officer Counseling and
Evaluation Section
Personnel Management Division

AUG 11 2006