



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

BJG
Docket No: 8387-06
5 October 2006

[REDACTED]

[REDACTED]

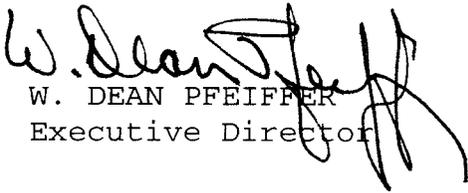
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 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 Performance Evaluation Review Board (PERB), dated 31 August 2006, 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
AUG 31 2008

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]

Ref: [REDACTED] DD Form 149 of 15 Apr 06
(b) MCO P1610.7E w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 23 August 2006 to consider [REDACTED] petition contained in reference (a). Removal of his fitness reports for the periods 19990418 to 19990502 (RT) and 20020816 to 20020829 (RT) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the reports are unfair and inaccurate because he believes there was insufficient observation and there were attributes improperly evaluated. He feels the reporting senior and reviewing officer did not have sufficient observation of his performance to warrant submission of the report covering the period 19990418 to 19990502 (RT). He also contends the reporting senior should have evaluated him in "Effectiveness under Stress" on the aforementioned report. On his report covering the period 20020816 to 20020829 (RT), he also contends that he should have been evaluated in the "Effectiveness under Stress" area and several other leadership attributes simply because he is a First Sergeant.

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. Per paragraph 3004.13 of reference (b), reporting senior's must submit a report upon completion of annual training and anytime a reservist completes active duty for a period of 12-30 days. Further, per paragraph 4014 of reference (b), there are no hard guidelines on what constitutes sufficient knowledge and observation on the part of the reviewing officer. Therefore the