



2

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

BJG  
Docket No: 4306-07  
2 October 2008

[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.

You requested, in effect, removal of the fitness report for 12 July 1996 to 17 June 1997; removal of your assignment to weight control from 6 June 1997 to 24 August 1998 and consideration by a special selection board (SSB) for the Fiscal Year (FY) 2000 Lieutenant Colonel Selection Board (you were considered below zone and not selected by the FY 1999 Lieutenant Colonel Selection Board, but that was not considered a failure of selection, so it could not be a basis for SSB consideration).

It is noted that the Commandant of the Marine Corps (CMC) has directed correcting the contested fitness report by changing the entry in item 17.a ("Commendatory") from "No" to "Yes."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 July 2008. 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 24 April 2007 amended as indicated in the memorandum for the record dated 30 September 2008, and the advisory opinions from the HQMC Officer Counseling and Evaluation Section, Personnel Management Division (MMOA-4) dated 27 April 2007 and the HQMC Manpower Information Operations, Manpower Management Information Systems Division (MIO) dated 20 September 2007, 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, as amended, and the advisory opinion from MIO. In this regard, the Board found it a harmless error that the reviewing officer's comments, in the contested fitness report, were legibly handwritten rather than typed as prescribed in the applicable directive. The Board agreed with the advisory opinion from MMOA-4 in concluding the correction of item 17.a of the fitness report at issue would not have appreciably enhanced your competitiveness for promotion, so your SSB consideration would not be warranted. In view of the above, your application for relief beyond that effected by CMC 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

