



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

BJG  
Docket No: 9881-07  
22 February 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 that the fitness report for 2 June to 26 October 2006 be modified by removing specific reporting senior and reviewing officer (RO) comments and raising the mark in section K.3 (RO's "Comparative Assessment") from the fifth best of eight possible marks to the third best. You further requested that the report for 27 October to 31 December 2006 be modified by raising the mark in section K.3 from the sixth to the third best.

It is noted that the Commandant of the Marine Corps (CMC) has directed removing, rather than modifying, the contested report for 2 June to 26 October 2006.

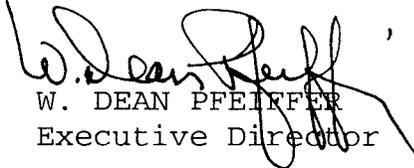
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 February 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 reports of the Headquarters Marine Corps Performance Evaluation

Review Board (PERB) dated 26 and 30 October 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 warranting the requested modification of the report for 27 October to 31 December 2006. In this connection, the Board substantially concurred with the comments contained in the report of the PERB dated 30 October 2007. In the absence of any indication that you object to the PERB action to remove, rather than modify, the report for 2 June to 26 October 2006, the Board found that action should stand. In view of the above, your application for relief beyond or other than 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

