



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

JSR
Docket No. 10605-07
14 February 2008

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[REDACTED]

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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 removing the undated Marine Corps Enlisted Commissioning and Education Program (MECEP) disenrollment letter from the Commanding Officer, NROTC Unit, The Citadel. You contended that the letter contains "unjustified speculative comments"; and that paragraph 2 of the memorandum dated 14 March 2002, from the Head, Headquarters Marine Corps (HQMC) Performance Evaluation Review Branch to the Head, HQMC Personnel Management Support Branch, required removing the letter from your record.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 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.

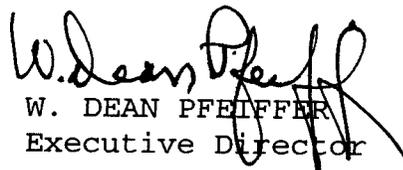
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not find the contested letter to contain "unjustified speculative comments," nor did it find the memorandum of 14 March 2002, which directed removing the fitness reports for 1 April to 27 May 2000 and 8 July to 22 August 2000 pursuant to action of the HQMC Performance Evaluation Review Board (PERB), required removing the letter. While the report for 8 July to 22 August 2000 does address the matter of your MECEP disenrollment, the Board found paragraph 2 of the memorandum of 14 March 2002 does not authorize removing the contested letter. It does direct that any files other than your own naval record be purged of documentation "which may contain the subject matter identified in paragraph 1a above [paragraph 1a identifies the two fitness reports to be removed from your **naval record**]." **Since Marine Corps Order 1610.11C specifies** that the PERB's authority is limited to dealing with fitness report appeals, the Board found the PERB had no authority to direct removing the letter in question; and therefore that paragraph 2 of the memorandum of 14 March 2002 applied only to copies of the fitness reports to be removed or other documentation directly related or referring to those reports.

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