



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

JSR

JSR
Docket No: 1527-08
2 July 2008

[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, in effect that the fitness report for 1 June 2006 to 31 May 2007 be modified, in accordance with the reporting senior's (RS's) letter dated 21 August 2007, by raising the marks in sections D.1 ("Performance"), E.2 ("Effectiveness under Stress"), F.3 ("Setting the Example"), G.1 ("Professional Military Education"), G.2 ("Decision Making Ability") and G.3 ("Judgment") from "D" (fourth best of seven possible marks) to "E" (third best).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 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 reports of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 12 February and 2 May 2008, and the RS's letter dated 3 March 2008, 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 reports of the PERB. The Board further noted the reviewing officer concurred with the contested original marks. The Board also noted the RS's letter of 3 March 2008 did not propose changing sections E.2 or F.3. Finally, while the Board recognized that the RS's letter of 21 August 2007 was submitted within three weeks after he had signed the original report on 3 August 2007, the Board was unable to find the proposed higher marks were more accurate or fair. 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.

Although the Board voted not to modify the fitness report in question, you may submit the RS's letters to future selection boards.

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