



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

JSR
Docket No: 2565-08
15 May 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, removing the fitness report for 1 January to 30 April 2007 or modifying it by marking section A, item 6.a ("Commendatory Material") to reflect your award of the Navy and Marine Corps Achievement Medal (NAM) and a Certificate of Appreciation and further modifying the report by raising the mark in section K.3 (reviewing officer (RO)'s "Comparative Assessment") from the fourth best of eight possible marks to the third best.

It is noted that Headquarters Marine Corps (HQMC) has entered in your record a memorandum reflecting that item 6.a of the fitness report in question should be marked to reflect the Certificate of Commendation.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 May 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 HQMC Performance Evaluation Review Board (PERB),

dated 10 March 2008, and a memorandum for the record dated 15 May 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 report of the PERB in concluding the fitness report at issue should not be removed or modified further. The Board noted you provided no documentation to prove you had received a NAM during the period in question. The Board was unable to find the mark in section K.3 should match that shown in the preceding report, in which you had the same RO. In this regard, the Board noted that the RO comments in section K.4 of these reports are not identical, and that you had no supporting letter from the RO concerning the period now in question, as you did for the preceding period. In view of the above, your application for relief beyond that effected by HQMC 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure