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

JSR

Docket No: 3972-08

19 June 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 modifying seven fitness reports, as indicated below:

1. 23 August 1994 to 28 February 1995: Remove from the reviewing officer's (RO's) remarks "A quiet, reserved nature holds [you] back a bit but"
2. 1 March to 1 October 1995: Remove from the RO's remarks "Quiet but" and "However, this style tends to keep [you] from breaking out against three truly superb Sgt's [sergeants] ranked above [you]."
3. 1 October 1998 to 8 February 1999: Remove from section K.4 (RO's comments) "A quiet,"
4. 1 January to 3 July 2000: Remove from section I (reporting senior's "Directed and Additional Comments") "Can be relied upon to accomplish most missions with only minimal supervision."
5. 2 August 2003 to 30 June 2004: Remove from section I "Skilled in [your] MOS [military occupational specialty] and can be relied upon to complete all assigned tasks with limited supervision." and "With continued improvement in verbal communications skills and follow-through, [you have] unlimited potential."

6. 1 July 2004 to 10 January 2005: Remove from section I "Can be relied upon to complete all tasks with only limited supervision."

7. 11 January to 1 July 2005: Remove from section I "Requires only minimal supervision and with continued improvement in follow through and communication skills MRO [Marine reported on] will have unlimited growth potential."

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modifications of the last four reports listed.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 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 Performance Evaluation Review Board (PERB), dated 22 April 2008, a copy of which is 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. Accordingly, 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

Enclosure