



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

JSR  
Docket No: 6069-08  
21 May 2009

[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 correction of your naval record to show you were promoted to first sergeant in 1976 or 1977 and sergeant major three years later. You further requested removing the fitness reports for June 1972 to February 1977 from the Military Police Company, Camp Pendleton, California.

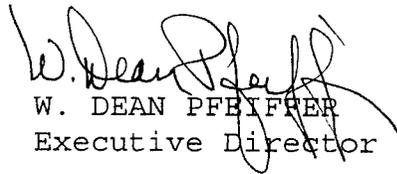
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 May 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 advisory opinion from Headquarters Marine Corps (HQMC), dated 22 October 2008, and the report of the HQMC Performance Evaluation Review Board (PERB) dated 23 March 2009, copies of which are attached, and your letters of 1 October 2008 with enclosures and 1 November 2008.

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 report of the PERB. The Board was unable to

find you had a personality conflict with any of your reporting seniors because of your post traumatic stress disorder, nor could it find any of your fitness reports to have been unjustly downgraded because of such a conflict. 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 PFIEFFER  
Executive Director

Enclosure