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

JSR
Docket No: 6325-08
15 January 2009

[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 removing documentation of your relief from recruiting duty for the good of the service and the fitness reports for 1 April 2005 to 31 March 2006 and 1 April to 25 May 2006. It is noted that the Commandant of the Marine Corps (CMC) has directed removing both contested fitness reports.

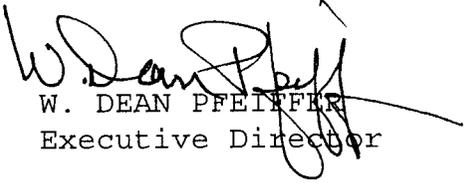
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 January 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board dated 17 June 2008, the e-mail from the HQMC Performance Evaluation Review Branch dated 15 August 2008, and the advisory opinions from the Marine Corps Recruiting Command (MCRC), dated 5 August and 3 September 2008, and the HQMC Enlisted Assignments Branch (MMEA) dated 4 November 2008, copies of which are attached. The Board also considered your e-mail of 10 September 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 comments contained in the advisory opinion from MMEA in concluding the relief for the good of the service documentation should stand. In this regard, the Board noted that the recommendation, in the MCRC advisory opinion dated 3 September 2008, to remove this documentation gave no basis for concurring with your request. The Board found the documentation was sufficient to explain the basis for your relief, without all the documents originally enclosed with your commanding officer's letter of 19 January 2006 recommending your relief for cause. In view of the above, 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