



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

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BJG  
Docket No: 7130-08  
11 August 2008

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This is in reference to your application of 23 January 2008 for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your case, originally assigned docket number 2942-08, was administratively closed by our letter of 17 June 2008. In light of your letter of 22 July 2008 and the Headquarters Marine Corps (HQMC) letter of 15 July 2008, your case was administratively reopened and assigned a new docket number, 7130-08.

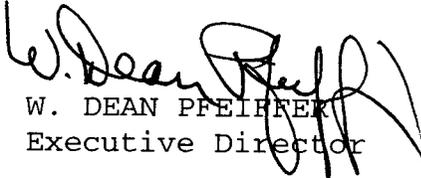
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 August 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your letter of 22 July 2008 and the HQMC letter of 15 July 2008, 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 19 March 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.

In addition, since the reviewing officer did not assume reporting senior authority for the fitness report at issue, the Board was unable to find the reporting senior (RS) had, in fact, been relieved for cause before having submitted the report. Finally, since the Board was unable to find the RS lacked the capacity to submit a fair and accurate evaluation of your performance, it could not find you warranted a report substantively different from the one that officer submitted. 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 PFEIFFER  
Executive Director

Enclosure