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

BJG
Docket No: 7385-08
12 December 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.

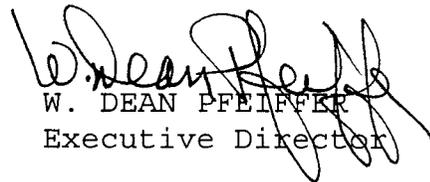
It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the fitness report for 1 February to 22 March 2000, as you requested, by removing from section I (reporting senior's "Directed and Additional Comments") "but sometimes does not calculate all factors before acting" and "- Moderate supervision is still required for SNO [subject named officer]."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 December 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 undated report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), and the advisory opinion from the HQMC Officer Counseling and Evaluation Section, Personnel Management Division (MMOA-4), dated 23 July 2008, copies of which are attached. The Board also considered your rebuttal letter dated 14 October 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 MMOA-4. 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

Enclosures

MEMORANDUM

From: Head, Performance Evaluation Review Branch
To: Head, Personnel Management Support Branch

Subj: CORRECTION TO NAVAL RECORD IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) MCO 1610.11C

1. Per the reference, the Performance Evaluation Review Board has reviewed allegations of error and injustice in subject's naval record. Having reviewed all the facts of record, the Board requests implementation of the action described below.
2. For Head, MMSB-10: Request you delete the following verbiage from section "I" on the fitness report covering the period 20000201 to 20000522 (GC) - "but sometimes does not calculate all factors before acting." and "Moderate supervision is still required for SNO."



FRANCES S. POLETO



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1600
MMAA-4
23 Jul 08

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS**

Subj: BCNR PETITION FOR [REDACTED]

Ref: (a) MMER Request for Advisory Opinion in the case of
[REDACTED]
May 08

1. Recommend disapproval of [REDACTED] request for removal of his failure of selection from the FY09 USMC Major Selection Board.

2. Per the reference, we reviewed [REDACTED] record and petition. He failed selection on the FY09 USMC Major Selection Board. Subsequently, he petitioned the Performance Evaluation Review Board (PERB) to modify the fitness report covering the period 20000201 to 20000502 (GC). He also requested removal of his failure of selection.

3. The PERB determined that the report covering the period 20000201 to 20000502 (GC) was incorrect and directed that the following verbiage be deleted from section "I" - "but sometimes does not calculate all factors before acting" and "Moderate supervision is still required for SNO." The PERB concluded that the correction makes the report administratively correct and procedurally complete and that the report, as modified, should remain a part of [REDACTED] official record.

4. The PERB's modification of the report covering the period 20000201 to 20000502 (GC) marginally improves the competitiveness of the record. However, [REDACTED] record contains other competitive jeopardy that most likely caused his failure of selection:

(a) **REPORTING SENIOR RELATIVE VALUES.** The relative values of [REDACTED] fitness reports as a [REDACTED] and [REDACTED] range mostly from lower-third to middle-third. Nine of the fourteen observed reports available prior to the FY09 board fell within the bottom third of reports for the

Subj: BCNR PETITION FOR [REDACTED]

respective Reporting Senior with only one above average grade in the entire record.

(b) **REVIEWING OFFICER COMPARATIVE ASSESSMENTS.** The Reviewing Officer markings of [REDACTED] reports are mostly with-pack to below-pack. The last three consecutive reports including one in combat which occurred immediately prior to the FY07 board were marked below the Reviewing Officers average.

6. In summary, although the PERB's action marginally increased the competitiveness of [REDACTED] record, we do not believe it warrants the removal of his failure of selection. Moreover, the record contains other areas of competitive concern that more likely led to his failure of selection. In our opinion, it is definitely unlikely that [REDACTED] would have been promoted had the deleted comments been removed from his record prior to the selection board. Therefore, we do not recommend removal of his failure of selection.

7. Point of contact is Major M. H. Phares, (703) 784-9281.



I. D. COURTNEY
Lieutenant Colonel, USMC
Officer Counseling and
Evaluation Section
Personnel Management Division