



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

JSR
Docket No: 7857-08
17 October 2008 .

[REDACTED]

[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, in effect, that the fitness report for 29 April 2006 to 7 March 2007 be modified, in accordance with the reporting senior's (RS's) letter dated 15 May 2008, by raising the marks in sections E.2 ("Effectiveness under Stress"), F.1 ("Leading Subordinates"), F.3 ("Setting the Example") and F.5 ("Communication Skills") from "D" (fourth best of seven possible marks) to "E" (third best); and sections D.2 ("Proficiency"), E.1 ("Courage") and G.2 ("Decision Making Ability) from "D" to "F" (second best).

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested changes to sections E.2, F.1, F.3 and F.5; but with regard to sections D.2, E.1 and G.2, directed raising the marks to "E" rather than "F."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 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

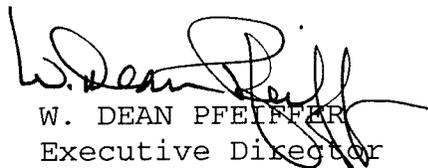
report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 12 August 2008, a copy of which is attached.

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.

Although the Board voted not to raise the marks in sections D.2, E.1 and G.2 to "F," you may submit the RS's letter, in which he proposes those changes, to future selection boards.

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



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

IN REPLY REFER TO:

1610
MMER/PERB
AUG 12 2008

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

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF

Ref: [REDACTED] D Form 149 of 12 Jun 08
(b) MCO P1610.7F

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 30 July 2008 to consider [REDACTED] petition contained in reference (a). Modification of the fitness report for the period 20060429 to 20070531 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner requests to change seven reporting senior attribute marks on the basis that they do not reflect his performance relative to performance of peers observed by the same reporting senior. In support of his appeal he submitted an advocacy letter from the reporting senior.

3. The petitioner requests to upgrade the following four reporting senior marks from a "D" to an "E": Sections "E-2", "F-1", "F-3", and "F-5". The Board was persuaded by the reporting senior's advocacy letter and approved these changes.

4. Although the Board concluded that the reporting senior wrote a very thorough and effective advocacy letter, they did not agree that the following three marks should be changed from "D" to "F": "D-2", "E-1" and "G-2".

a. The Board did not find that the advocacy letter adequately justified markings of "F" in any of those blocks because the performance highlights that the reporting senior used to justify the changes were already mentioned in the Section "I" comments of the report.

