



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

JSR

JSR
Docket No: 7860-08
18 September 2008

[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 Headquarters Marine Corps (HQMC) has modified the contested fitness report for 5 January to 29 February 2000 by changing section A, item 7 ("Recommended for Promotion") by moving the "X" from b ("NO") to c ("N/A [not applicable]"). It is further noted that the Commandant of the Marine Corps (CMC) has directed modifying the report by removing, from section I (reporting senior (RS) "Directed and Additional Comments") "DIRECTED COMMENT - SECT A, ITEM 7b: I recommend that the MRO [Marine reported on] not be promoted with contemporaries." And completely removing section K (reviewing officer (RO) marks and comments).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 September 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 reports of the HQMC Performance Evaluation Review Board (PERB), dated 12 August 2008, a copy of which is attached, and your letter dated 12 September 2008 with enclosures.

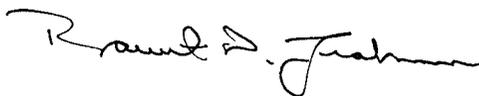
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB.

The Board did not find inconsistency between the contested adverse "CH" (change of RS) fitness report and the "FD" (from temporary duty) report for 1 March to 18 May 2000 showing you successfully completed the logistics officers course. The Board recognized that you were not disenrolled, but recycled, and that you had not been assigned the primary MOS (military occupational specialty) of 0402 (logistics officer). The Board was unable to find you were penalized for lacking prerequisites for the school or lacking natural abilities or aptitudes to complete the school. Finally, your unsubstantiated statement did not persuade the Board that the RO has been trying to harm your career progression.

In view of the above, your application for relief beyond that effected by HQMC and 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure