



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

BJG  
Docket No: 1269-08  
31 March 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 contested fitness report for 1 April to 23 July 2004 by deleting the following from the justification for the adverse mark of "A" in section D.1 ("Mission Accomplishment"):

You repeatedly failed to participate in mandated training. On 9 March [you were] scheduled to give a financial class for all of the unit's NCO's [noncommissioned officers]. [You] failed to hold the class stating that [you] had lost the disk with the training on it. This action resulted in both written and verbal counseling because [you] again [were] not prepared for the day that the class was rescheduled for. Less than (Remarks continued in addendum page) three months later, [you] again failed to complete [your] task.

CMC has further directed modifying your statement of 22 November 2004 in reply to the contested fitness report by removing the following from page 5:

Being unprepared for a class that was scheduled to take place on March 9, 2004 was a mistake on my part. I accepted fault for not being prepared and I made up the training to the units' NCOs.

MCO [Marine Corps Order] P1610.7 paragraph 1004.1b states: Accurate Fitness Reports - center on individual performance during a designated period observation. The referenced class in the Section D justification area is outside the reporting period. The reporting period for this fitness report is April 1, 2004 to July 23, 2004. The financial class mentioned was on March 9, 2004, well outside the reporting period.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 March 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 5 February 2008 with enclosure, and the memorandum for the record, dated 4 March 2008, copies of which are attached.

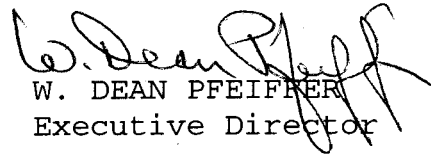
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. The Board was unable to find the fitness report was used as a replacement for disciplinary action. 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.

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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