



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

JSR  
Docket No: 2890-09  
8 October 2009

[REDACTED]

[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 originally requested, in effect, that the fitness report for 1 June 2007 to 31 May 2008 be modified, in accordance with the reporting senior's (RS's) letter dated 9 December 2008 and the reviewing officer's (RO's) letter dated 22 December 2008, by raising the marks in sections E.2 ("Effectiveness under Stress") and E.3 ("Initiative") from "D" (fourth best of seven possible marks) to "E" (third best). By your letter of 27 March 2009, you amended your application to request, in effect, that the report be modified, in accordance with the RS's letter dated 27 March 2009, by raising the marks in sections E.1 ("Courage") and G.2 ("Decision Making Ability") from "D" to "E."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 2009. 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 Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 18 March and 10 August 2009, copies

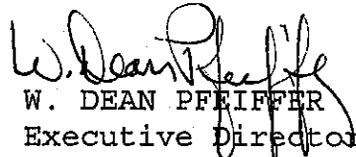
of which are attached, your letter of 27 March 2009 and the RS's letter of the same date.

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 dated 10 August 2009. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Although the Board voted not to modify the fitness report in question, you may submit the RS's and RO's letters 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 PFRIFFER  
Executive Director

Enclosure