



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

JSR  
Docket No: 3192-09  
21 May 2009



Dear [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 completely removing the fitness report for 1 June 2005 to 31 March 2006. It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report by marking section A, item 6.a ("Commendatory") and entering, in section I (reporting senior's "Directed and Additional Comments"), "Directed Comments: SECT A, Item 6a: MRO [Marine reported on] received the Air Medal (Strike Flight Numeral 8) for combat operations flown in Iraq (401.9 hours/216 sorties/8.6 Strike Flight Numerals)."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 May 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 (HQMC) Performance Evaluation Review Board (PERB), dated 18 March and 2 April 2009, copies of which are attached.

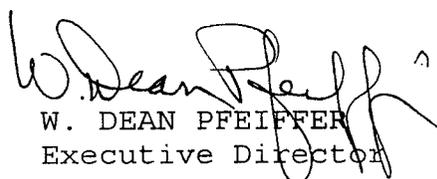
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the reports of the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

The Board was unable to find that neither the reporting senior nor the reviewing officer (RO) provided you initial guidance or goals for the reporting period, nor could it find they never met with you during or after the period to establish any kind of guidance. The Board was likewise unable to find that you were not provided a signed copy of the contested fitness report, or that the RO appointed the squadron executive officer to complete the fitness report at issue. The Board found nothing adverse about the RO comment, in section K.4 of the report, that "[You are] a new Aircraft Commander who is continuing to mature." Finally, the Board noted that your Navy and Marine Corps Commendation Medal, awarded before the reporting period on 11 April 2005, was properly not mentioned in the report in question.

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. 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