



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

JSR
Docket No: 3789-09
11 June 2009

[REDACTED]

[REDACTED]

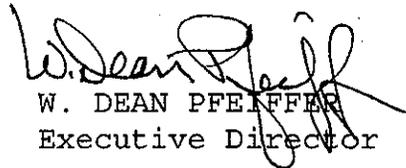
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 June 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 7 April 2009, 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. The Board was unable to find the reporting senior used the contested fitness reports as a counseling tool. In view of the above, your application 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



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

IN REPLY REFER TO:

1610
MMER/PERB
APR 07 2009

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
[REDACTED]

Ref: (a) [REDACTED] s DD Form 149 of 15 Jan 09
(b) MCO P1610.7E W/CH 1-9

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 1 April 2009 to consider [REDACTED] petition contained in reference (a). Removal of the fitness reports for the periods 20050315 to 20050630 (AN) and 20050930 to 20051115 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.
2. The petitioner argues that both contested fitness reports should be expunged from her record because they were both written by the same reporting senior (RS) and are not an accurate reflection of her performance during this period. She alleges that the RS refused to establish and formalize her billet description at the beginning of their RS/MRO relationship. He did not make clear his expectations which lead to inaccurate and unfair fitness reports containing section I comments that are not consistent with the markings. In support of this appeal the petitioner submitted several letters of recommendation.
3. In its proceedings, the Board concluded that the contested reports are both administratively correct and procedurally complete as written and filed. The following is offered as relevant:
 - a. The petitioner argues that these reports are a negative portrayal of her performance. The Board does not agree, and notes that the reports contain commendatory comments and strong promotion recommendations. She argues that the RS never expressed dissatisfaction with her performance. Clearly, the petitioner is not happy with these reports but the Board does not find anything apparently negative about them.

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[REDACTED]

b. She argues that these reports are unfair because the RS did not clearly articulate his expectations to her, nor did he clearly represent the fitness report markings to her. If this indeed is true, the Board understands the petitioner's dissatisfaction. Unfortunately, she included nothing in this appeal to substantiate those claims.

c. The petitioner included several letters of recommendation with this appeal. Each of them spoke very strongly about her performance; however neither of them was written by her reporting officials, nor do they specifically address her performance in accomplishments that were overlooked by the RS. The letters also do not indicate that the author has had first-hand knowledge of the petitioner's specific job responsibilities and the manner in which she performed them.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report covering the periods 20050315 to 20050630 (AN) and 20050930 to 20051115 (CH), should remain a part [REDACTED] official military record.

5. The case is forwarded for final action.



FRANCES S. POLETO
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps