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

BJG
Docket No: 7624-09
22 February 2010

[REDACTED]

[REDACTED]

This is in reference to your letter dated 4 July 2009 with enclosure, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your latest previous case, docket number 839-09, in which your other previous cases, docket numbers 10160-06, 3653-07 and 5661-08, were considered, was denied on 19 March 2009.

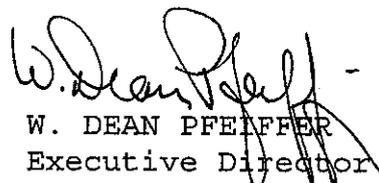
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 19 February 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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, and the Board's files on your prior cases. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 16 November 2009, a copy of which is attached. The Board also considered your rebuttal letter dated 21 November 2006 (sic) with enclosure.

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, except to note that part of the reason the page 11 entry was removed was that the commander who submitted it later wished it withdrawn. The Board found the removal of that entry from your record did not completely invalidate the contested fitness report, which has been modified by removing all reference to the entry. In this regard, the report as it now appears in your Official Military Personnel File properly reflects all the corrections directed by the report of the PERB dated 22 January 2009. Finally, the Board found the observed fitness report at issue did serve to explain your transfer from duty as a drill instructor to duty as a routing chief. In view of the above, the Board again voted to deny relief. 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