



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

JSR
Docket No: 9462-09
5 November 2009

[REDACTED]

[REDACTED]

This is in reference to your application dated 26 May 2009, as amended by your e-mail of 24 September 2009, for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested modifying the fitness report for 17 March to 25 May 2001 by removing, from section I (reporting senior's "Directed and Additional Comments"), "With guidance, a loyal officer who produces." and the words "with supervision" at the end of the sentence "Continues to contribute positively to mission accomplishment with supervision." You further requested modifying the report for 26 May to 8 December 2001 by removing, from section I, "Continues to improve his leadership skills." and "When supervised he gets the job done." and removing, from section K.4 (reviewing officer's comments), "continues to grow and mature as an infantry officer." You further requested modifying the report for 8 December 2001 to 12 February 2002 by removing, from section I, the words "for further development" in the sentence "Recommend assignment to recruit training for further development before returning to operational forces." You finally requested modifying the report for 8 May 2004 to 31 May 2005 by removing, from section I, "Once he gains more experience and training he will be able to successfully command a rifle company."

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report for 17 March to 25 May 2001 by removing "With guidance, a loyal officer who produces." and the

entire sentence "Continues to contribute positively to mission accomplishment with supervision."; the report for 26 May to 8 December 2001 by removing only "When supervised he gets the job done."; the report for 8 December 2001 to 12 February 2002 by removing the entire sentence "Recommend assignment to recruit training for further development before returning to operational forces." and the report for 8 May 2004 to 31 May 2005 as you requested. By your e-mail dated 24 September 2009, you accepted the CMC actions regarding the reports for 17 March to 25 May 2001 and 8 December 2001 to 12 February 2002.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 November 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 2 September 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. Accordingly, 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