



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

JSR
Docket No: 09809-09
10 December 2009

[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, in effect, that the fitness reports for 1 July 2005 to 19 May 2006, 20 May 2006 to 30 June 2007 and 1 July to 30 October 2007 be modified by changing section A, item 8.d ("HT(in.) [height(inches)]") from "71" to "72." You further requested that these reports, as well as the report for 31 October 2007 to 30 June 2008, be modified by adding, to section I (reporting senior's "Directed and Additional Comments"), "MRO [Marine reported on] meets Physical Evaluation criteria in MCO [Marine Corps Order] 6100.12, and is within standards." Finally, you requested removing your failure of selection by the Fiscal Year 2010 Active Reserve Colonel Selection Board, and granting you special selection board consideration for that promotion board.

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modification to section I of the reports for 1 July 2005 to 19 May 2006 and 1 July to 30 October 2007.

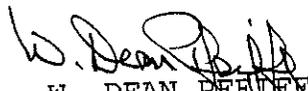
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 December 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 (HQMC) Performance Evaluation Review Board (PERB), dated 2 September 2009, the HQMC Performance Evaluation Review Branch (MMER) e-mail dated 18 September 2009, and the advisory opinion from HQMC dated 9 September 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 report of the PERB, as amended by the MMER e-mail. The Board found the modification to section I of the reports for 1 July 2005 to 19 May 2006 and 1 July to 30 October 2007, by itself, would not have appreciably enhanced your competitiveness for promotion, as the body fat percentages shown in section A, item 8.f and the first class physical fitness test scores reflected in item 8.b of these reports, together with the absence of any adverse mark or comment, would have conveyed sufficiently that you were within standards, without the prescribed comment. 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