



on

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

BJG  
Docket No: 12153-09  
22 February 2010

[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.

Your initial application requested that the fitness report for 15 September 2008 to 9 February 2009 be modified by removing, from section K.4 (reviewing officer's comments), "but does require supervision at times." As indicated in the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) dated 1 June 2009, a copy of which is attached, the Commandant of the Marine Corps (CMC) directed the requested modification. You then submitted a second application requesting that the report, as modified, be completely removed.

It is noted that CMC has directed modifying section I (reporting senior's "Directed and Additional Comments") of the contested report by removing "With minimal guidance" and changing "FY [Fiscal Year] 10" to "FY 09."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application 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. In addition, the Board considered the report of the HQMC PERB dated 1 June 2009 and the PERB report dated 18 November 2009, a copy of which is also attached. The Board also considered your rebuttal letter dated 10 December 2009 and the letter on your behalf dated 27 March 2009 from [REDACTED], United States Marine Corps. Finally, the Board considered your fitness report for 10 February to 31 December 2009.

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 dated 18 November 2009. 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

Enclosures