



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

Jw

BJG
Docket No: 12181-09
12 March 2010

[REDACTED]

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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 completely removing the fitness report for 1 April to 13 May 2007.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by removing all references to the Body Composition Program. Specifically, CMC has directed removing, from section I (reporting senior's "Directed and Additional Comments"), "Directed Comment, Sect[ion] A, 8F: MRO [Marine reported on] was assigned to the Body Composition Program (BCP) during this reporting period." and from section K.4 (reviewing officer's comments), "due to her assignment to BCP." By electronic mail dated 10 March 2010, a copy of which is attached, the staff of the Board for Correction of Naval Records (BCNR) advised Headquarters Marine Corps (HQMC) that one more reference to the BCP, the statement in section K.4 that "This is her first assignment to the program.", needed to be removed in accordance with the CMC direction.

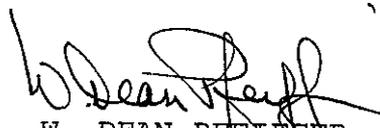
A three-member panel of the BCNR, sitting in executive session, considered your application on 11 March 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the

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 Performance Evaluation Review Board (PERB), dated 16 November 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 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

Enclosures