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

BJG
Docket No: 13062-09
2 April 2010



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 that the fitness report for 1 April to 18 August 2007 be modified by removing the marks in section A, items 5.a ("Special Case" - "Adverse") and 6.b ("Derogatory Material"); the mark of "A" (lowest of seven possible marks) in section G.3 ("Judgment") and sections I (reporting senior's "Directed and Additional Comments"), J.2 (Marine reported on acknowledgement of adverse report), K.4 (reviewing officer's comments) and L (addendum pages).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 April 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. The Board also considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 14 December 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. Without resolving whether the Revocation of Status of Forces Agreement Motor Vehicle and Motorcycle Licenses letter, Commanding Officer (CO), Marine Corps Air Station (MCAS) Iwakuni letter dated 7 May 2007, supported marking item 6.b, the Board found it was properly marked because you were the subject of an investigation directed by the CO, MCAS Iwakuni. In view of the above, your application 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