



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

BJG
Docket No: 180-10
8 April 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.

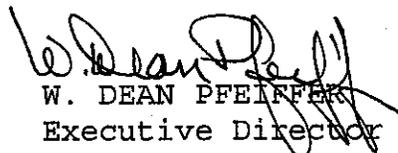
You requested completely removing the fitness report for 31 December 2008 to 15 May 2009. It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by removing from section I (reporting senior (RS)'s "Directed and Additional Comments"), "[You have] the potential to be a well rounded SNCO [staff noncommissioned officer]."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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 5 January 2010, a copy of which is attached. The Board also considered your rebuttal letter dated 19 January 2010 with enclosures.

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, except to note the light duty chit you submitted was dated 10 August 2009, after the pertinent reporting period. The Board was unable to find the section I comment "As [your] primary MOS [military occupational specialty] as small arms repairman, [you meet] the minimum standards" was invalid, merely because the same RS who made that comment had assessed your performance of your primary MOS more favorably in two earlier reports. Finally, the Board found nothing in the contested report indicating you were relieved of your duties, as your letter of 19 January 2010 asserts you were. 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