



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

JSR
Docket No: 2153-10
29 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, in effect, that the fitness report for 19 May to 31 December 2008 be modified, in accordance with the reporting senior's (RS's) letter dated 27 October 2009 and the reviewing officer (RO)'s endorsement dated 28 October 2009, by raising the marks in sections D.1 ("Performance"), F.1 ("Leading Subordinates") and G.1 ("Professional Military Education") from "D" (fourth best of seven possible marks) to "E" (third best) and sections E.2 ("Effectiveness under Stress"), G.2 ("Decision Making Ability") and G.3 ("Judgment") from "C" (fifth best) to "D."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 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. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 26 February 2010, 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 comments contained in the report of the PERB, except to note the RO did concur with the RS's proposed changes. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Although the Board voted not to modify the fitness report in question, you may submit the RS's letter and the RO's endorsement to future selection boards.

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