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

BJG  
Docket No: 2693-10  
4 October 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 reconsideration of your previous application, docket number 9307-08, to modify the fitness report for 1 to 8 January 2007 by removing or amending the section I (reporting senior's "Directed and Additional Comments") comment "using his government cell phone to contact a woman, who was not his spouse, on multiple occasions in a social manner." This application was denied on 27 January 2009. As you have provided no new and material evidence or other matter concerning this application, it was not reconsidered. You also made a new request to modify the fitness reports for 21 October 2005 to 31 December 2006, 1 to 8 January 2007 and 9 January to 26 March 2007 by changing the entries in section A, items 8.e ("WT [Weight]") and 8.f ("Body Fat").

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 September 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 30 August 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 report of the PERB. Accordingly, 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