



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

JSR
Docket No: 3374-10
10 June 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 that the fitness report for 2 July to 31 October 2008 be modified by removing, from section K (reviewing officer's marks and comments), "In the same token, MRO [Marine reported on]'s potential for success may be realized if he demonstrates a desire to excel, and apply himself with a level of intensity expected of First Lieutenants. As an officer, MRO needs to learn to step back to see the forest through the trees, and appropriately separate himself as a leader from those junior enlisted to whom he is responsible for leading." You further requested that the report for 1 November 2008 to 28 January 2009 be modified by removing, from section I (reporting senior's "Directed and Additional Comments"), "[You possess] the basic knowledge of a Lieutenant in the 7208 community." and removing, from section K, "MRO has shown some improvement in leadership qualities over previous reporting period. Still has room for further development in the most basic of leadership traits expected of a Second or First Lieutenant. Continues to be challenged with maintaining the established weight standards." Finally, you requested removing your failure of selection by the Fiscal Year (FY) 2010 Captain Selection Board.

It is noted that the Commandant of the Marine Corps (CMC) has directed all the requested fitness report modifications.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 June 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 reports of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), 20 January (two) and 23 March (two) 2010 and the advisory opinion from HQMC dated 25 January 2010, copies of which are 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 warranting removal of your failure of selection by the FY 2010 Captain Selection Board. In this connection, the Board substantially concurred with the advisory opinion in finding that the report for 1 November 2008 to 28 January 2009 was not in your record when you were considered by that promotion board, and in concluding that your selection would have been definitely unlikely even if the report for 2 July to 31 October 2008 had been corrected. 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

Enclosure