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

BJG
Docket No: 8062-10
18 March 2011

[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 1 December 2008 to 31 March 2009 be modified, in accordance with the reporting senior's (RS's) letter dated 10 August 2009, by raising the marks in sections D.1 ("Performance"), D.2 ("Proficiency"), E.2 ("Effectiveness Under Stress"), F.4 ("Ensuring Well-being of Subordinates") and G.3 ("Judgment") from "D" (fourth best of seven possible marks) to "E" (third best).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 March 2011. 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 27 July 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. The Board recognized that the RS's letter was submitted less than five months after the reporting period, however, it was unable to find the proposed revised marks were more fair and accurate than the contested marks originally assigned. In view of the above, your request 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 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