



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

*[Handwritten signature]*

JSR  
Docket No: 8487-10  
10 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 completely removing the fitness report for 16 April to 5 December 2008 and striking your failure of selection by the Fiscal Year (FY) 2011 Lieutenant Colonel Selection Board. You also impliedly requested removing your failure of selection by the FY 2012 Lieutenant Colonel Selection Board.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by removing, from section I (reporting senior's "Directed and Additional Comments"), "Submitted Flight Hour Program for FY09, in concert with high turnover of pilots (18), losing many qualifications during the reporting period."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 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. In addition, the Board considered the reports of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 11 August 2010 and 15

February 2011, the advisory opinion from HQMC dated 3 August 2010, and the e-mail from HQMC dated 14 January 2011, copies of which are attached, as well as your letters dated 12 September 2010 with attachment and 9 March 2011.

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 reports of the PERB and the advisory opinion. The Board was unable to find the contested fitness report violated the prohibition against faint praise. Since the Board found insufficient basis to remove your failure of selection by the FY 2011 Lieutenant Colonel Selection Board, it had no grounds to remove your failure of selection by the FY 2012 Lieutenant Colonel Selection Board, which considered your corrected fitness report record (the e-mail from HQMC reflects the correction was effected on 3 August 2010, before the FY 2012 promotion board convened on 17 August 2010). 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