



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

*Handwritten mark*

JSR  
Docket No: 11693-10  
3 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 your naval record be corrected, in accordance with the reporting senior's (RS's) letter dated 21 June 2010, by modifying the fitness report for 31 March to 6 October 2008 by raising the marks in sections D.2 ("Proficiency") and E.3 ("Initiative") from "C" (fifth best of seven possible marks) to "D" (fourth best) and G.2 ("Decision Making Ability") and G.3 ("Judgment") from "B" (sixth best) to "C"; modifying the report for 1 January to 8 May 2009 by raising the mark in section D.2 from "C" to "D"; and modifying the reports for 14 August to 31 December 2009 and 1 January to 6 May 2010 by raising the marks in sections E.1 ("Courage"), E.2 ("Effectiveness under Stress"), E.3, G.2 and G.3 from "C" to "D." You also requested that the service record page 11 counseling entry dated 21 November 2008 be modified by deleting the following:

Your demonstrated lack of maturity, judgment and decision making abilities, specifically your inappropriate sexual relationship with a CPL [corporal] [pay grade E-4] (then a PFC [private first class] [pay grade E-2] when it started). You perpetuated this relationship, while a SNCO [staff noncommissioned officer] and Drill Instructor at MCRD [Marine Corps

Recruiting District] San Diego, CA when you moved in with this junior Marine and her sister to include signing a lease with her. This inappropriate sexual relationship resulted in a child. On numerous occasions, you were not forthcoming regarding the extent of the inappropriate sexual relationship with this junior Marine.

You further requested deleting "by the LCPL [lance corporal [lance corporal][pay grade E-3]'s command"; "entered into with this junior Marine" and "entered into with this LCPL."

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modifications of the fitness reports for 14 August to 31 December 2009 and 1 January to 6 May 2010.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 20 October 2010, and the advisory opinions from HQMC dated 23 November and 28 December 2010, copies of which are attached, as well as your e-mail dated 2 November 2010 with attachment.

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 and the advisory opinions. 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.

Although the Board voted not to modify either of the fitness reports for 31 March to 6 October 2008 and 1 January to 8 May 2009, 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