



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

*JSR*

JSR  
Docket No: 3202-11  
12 May 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 that the fitness report for 1 June to 31 December 2006 be modified by raising the marks in sections E.1 ("Courage"), E.2 ("Effectiveness Under Stress"), E.3 ("Initiative"), F.3 ("Setting the Example"), F.4 ("Ensuring Well-being of Subordinates"), F.5 ("Communication Skills") and G.3 ("Judgment") from "C" (fifth best of seven possible marks) to "D" (fourth best); and sections D.1 ("Performance"), D.2 ("Proficiency"), F.1 ("Leading Subordinates"), F.2 ("Developing Subordinates"), G.1 ("Professional Military Education") and G.2 ("Decision Making Ability") from "D" to "E" (third best). You also requested that this report be modified by raising the mark in section K.3 (reviewing officer (RO)'s "Comparative Assessment") from the sixth best of eight possible marks to match others the RO highly recommended for promotion. You further requested that the fitness report for 1 January to 26 April 2007 be modified by raising the mark in section G.3 from "C" to "D"; E.1, E.2 and G.2 from "C" to "E"; F.5 from "C" to "F" (second best); and D.1, D.2, F.1, F.2, F.3, F.4 and G.1 from "D" to "E." You also requested that this report be modified by raising the mark in section K.3 from the sixth best to match others the RO highly recommended for promotion. Finally, you requested that the fitness report for 1 January to 9 July 2008 be modified by raising the mark in section E.2 from "B" (sixth best) to "C"; and F.2, F.3, F.4 and F.5 from "C" to "D."

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report for 1 June to 31 December 2006 by raising the marks in sections E.1, E.2, E.3, F.4 and F.5 as you requested; and further directed modifying the report for 1 January to 26 April 2007 by raising the marks in sections E.1, E.2, F.5 and G.2 from "C" to "D."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 May 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 (you did not provide enclosure (2) to your letter of 15 September 2010 submitted in support of your application requesting modification of the fitness reports for 1 June to 31 December 2006 and 1 January to 26 April 2007), 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 11 March 2011, and the HQMC e-mail dated 25 March 2011, 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. In this connection, the Board substantially concurred with the comments contained in the report of the PERB, as amended by the e-mail dated 25 March 2011. 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