



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

JSR

Docket No: 3264-11

18 August 2011

[REDACTED]

Dear Gunnery Sergeant [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.

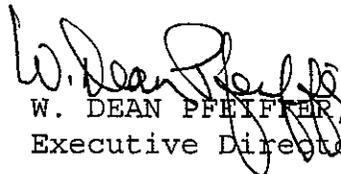
You requested removing the service record page 11 ("Administrative Remarks (1070)") counseling entry dated 28 May 2010 and your rebuttal of the same date. You further requested reconsideration of your previous request, docket number 12875-10, to remove the fitness report for 30 March to 6 June 2010, which was denied on 21 January 2011.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 August 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, the Board's file on your previous case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions from Headquarters Marine Corps dated 6 May 2011 with reference (b) and 6 June 2011, copies of which are attached, less reference (b) to the advisory opinion dated 6 May 2011, a copy of which was not attached because your application included a copy that had been redacted to prevent an unwarranted invasion of privacy of the individuals concerned.

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 advisory opinions in concluding the contested page 11 entry should stand. Since the Board found insufficient basis to remove or modify that entry, and you have provided no other new and material evidence or other matter regarding the previously contested fitness report, it had no grounds to remove or modify that report. In view of the above, your application 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