



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

JSR  
Docket No: 4143-11  
2 June 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 1 July 2005 to 1 March 2006.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by removing, from the third sighting officer's comments, the following:

- CO [Commanding Officer] RCT-5 contacted CO, 2d AA Bn [Battalion] on 060325 and stated he supported the Co [Company] Cdr's [Commander's] decision regarding the relief. He also passed that he was aware that [you were] a MSgt [Master Sergeant] (select) and since [you were] returning home with Advance Party and A Co was re-deploying soon, that he would leave the decision on the execution of the promotion warrant up to me as CO, 2d AA Bn. I submitted a letter to HQMC [Headquarters Marine Corps] on 060522 recommending a 6 month delay on the MSgt promotion warrant.

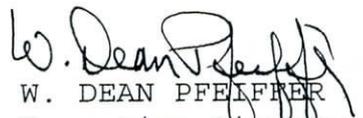
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 June 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this

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 HQMC Performance Evaluation Review Board (PERB), dated 6 April 2011, 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 comments contained in the report of the PERB. The Board did not find persuasive the reporting senior's letter Of 30 August 2010, recommending that the contested fitness report be removed as he did not believe that you rated an adverse report. 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