



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

BJG  
Docket No: 5336-11  
11 August 2011

[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application dated 5 May 2011, seeking removal of the service record page 11 ("Administrative Remarks (1070)") entry dated 3 March 2009, with your undated rebuttal, and reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552, in which you requested removing the fitness report for 1 October 2008 to 1 April 2009. Your previous case, docket number 3319-10, was denied on 28 May 2010.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 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, your naval record and applicable statutes, regulations and policies, and the Board's file on your prior case. The Board also considered the advisory opinion from Headquarters Marine Corps, dated 12 July 2011, a copy of which is attached. Finally, the Board considered your rebuttal letter dated 5 August 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 regard, the Board substantially concurred with the comments in the advisory opinion. The Board was unable to find the contested page 11 entry was not factual. Since the Board found insufficient basis to remove or modify the page 11 entry, and you have provided no other new and material evidence or other matter regarding the previously contested fitness report, the Board had no grounds to remove or modify the 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