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

JSR
Docket No: 6608-11
1 December 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 setting aside your relief for cause from recruiting duty, requested by letter of 30 April 2008. You also impliedly requested restoring your recruiter additional military occupational specialty (MOS) 8411, showing your eligibility for special duty assignment (SDA) pay was not terminated on 27 May 2008, removing from the Marine Corps Total Force System (MCTFS) draw case code "AM" (reflecting relief from SDA for good of the service, not for cause), and correcting your record to show you successfully completed your recruiting tour. Finally, you requested removing the fitness report for 27 February to 5 September 2008.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 December 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 Performance Evaluation Review Board (PERB), dated 13 June 2011, and the advisory opinions from the Marine Corps Recruiting Command dated 3 August

and 13 September 2011, copies of which are attached. The Board also considered your undated reply to the report of the PERB.

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.

The Board was unable to find your second staff noncommissioned officer in charge (SNCOIC) had a vendetta against you or created a hostile working environment, notwithstanding your assertion that this SNCOIC was relieved from recruiting duty. The Board found you offered no proof that you were not provided an opportunity to make a statement to the contested fitness report, noting that the third sighting officer says you were "provided ample opportunity to comment and make a statement." Finally, the Board found the contested fitness report properly documents that you were relieved for cause during the period of the contested report on the basis of actions during the previous period.

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