



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JSR  
Docket No: 377-12  
28 March 2013

[REDACTED]

Dear [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 fitness reports for 1 November 2008 to 17 July 2009 and 18 July to 31 December 2009. You also requested removing your assignment to the Body Composition Program and associated service record page 11 ("Administrative Remarks (1070") entries.

It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested report for 1 November 2008 to 17 July 2009.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 2013. 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 reports of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 2 January 2012 and 24 January 2013, and the advisory opinions from HQMC dated 21 March and 20 July 2012, copies of which are attached. The Board also considered your letter dated 15 June 2012 with enclosures and the letter on your behalf from Mr. A. T. C--- dated 13 June 2012.

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 reports of the PERB and the advisory opinions. 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure