



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

*pn*

JSR  
Docket No: 08548-12  
12 October 2012

[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 modifying the fitness report for 5 September 2009 to 30 June 2010, in accordance with the reporting senior's (RS's) letter dated 23 March 2012, by raising the marks in sections E.1 ("Courage") and F.1 ("Leading Subordinates") from "D" (fourth best of seven possible marks) to "E" (third best) and F.2 ("Developing Subordinates") from "E" to "F" (second best); modifying the fitness report for 1 July to 7 December 2010, also in accordance with the RS's letter dated 23 March 2012, by raising the marks in sections F.1 and G.1 ("Professional Military Education") from "D" to "E" and modifying the fitness report for 8 December 2010 to 18 February 2011 by making it "not observed."

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modification of the report for 8 December 2010 to 18 February 2011.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2012. 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 15 August 2012, 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, noting that the reviewing officer concurred with the marks originally assigned in the reports for 5 September 2009 to 30 June 2010 and 1 July to 7 December 2010, and that you submitted nothing to show he agreed with the proposed revised marks. 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.

Although the Board voted not to modify either of the fitness reports for 5 September 2009 to 30 June 2010 and 1 July to 7 December 2010, you may submit the RS's letter to future selection boards.

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