



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

JSR
Docket No: 09754-12
28 November 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 completely removing the fitness reports for 1 August to 31 December 2009, 26 June to 6 December 2010, 7 December 2010 to 31 March 2011 and 1 April to 10 July 2011.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying all four contested fitness reports, as follows:

1 August to 31 December 2009: From section I (reporting senior's "Directed and Additional Comments"), remove "I fully expect MRO [Marine reported on] to continue making improvements and if he does" and "with his peers."

26 June to 6 December 2010: From section K.4 (reviewing officer's comments), remove "As a Sergeant of Marines MRO is still developing his leadership skills and requires further mentoring to perform at the level of his peers."

27 December 2010 to 31 March 2011: From section K.4, remove "despite being graded below his peers" and "Continued growth as a Sergeant recommended prior to promotion."

1 April to 10 July 2011: From section I, remove "He is able to complete moderate tasks with little or no supervision. With continued guidance from a [sic] active mentor I feel as

though he may be able to overcome some of the previously noted shortcomings that have been holding him back from excelling as a leader of Marines."; and from section K.4, remove "MRO is still refining his abilities as a leader but displays an enthusiasm for future growth."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 November 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 two reports of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), each dated 25 September 2012, copies of which are 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 reports of the PERB. 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,


W. DEAN PFEIFFER
Executive Director

Enclosure