



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

JSR

Docket No: NR475-13

11 April 2013

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 that the fitness report for 1 September 2006 to 1 June 2007 be modified by changing the mark in section E.1 ("Courage") from "H" (not observed) to "D" (fourth best of seven possible marks) and changing the mark in section E.2 ("Effectiveness Under Stress") from "H" to "E" (third best). You also requested removing your failures of selection by the Fiscal Year (FY) 2013 and 2014 Lieutenant Colonel Selection Boards.

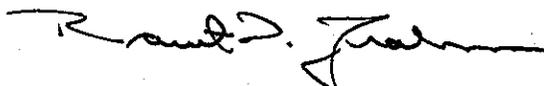
It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the fitness report in question as you requested.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board dated 20 November 2012 and the advisory opinions from HQMC 23 July and 17 December 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 warranting removal of either of your failures of selection for promotion. In this connection, the Board substantially concurred with the advisory opinions in finding that your failure of selection by the FY 2013 promotion board should stand. The Board found your failure of selection by the FY 2014 promotion board should stand as well, because the fitness reports for 5 June to 14 November 2008 and 15 November 2008 to 15 April 2009 were corrected on 19 and 20 April 2012, respectively, before that promotion board convened on 14 August 2012, and the Board found the advisory opinion dated 17 December 2012 equally applicable to the FY 2014 promotion board. In view of the above, 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