



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

JSR

Docket No: NR7160-13

5 June 2014

[REDACTED]

Dear Sergeant [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 report for 1 April to 27 November 2007.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by changing the beginning date from 1 April 2007 to 14 July 2007 (and filing an administrative filler for 1 April to 13 July 2007); removing, from section I (reporting senior's "Directed and Additional Comments"), "MRO [Marine reported on] is currently enrolled in the BCP [Body Composition Program] program." and removing, from section K.4 (reviewing officer's comments), "MRO [Marine reported on] returned from post-OIF [Operation Iraqi Freedom] 05-08.1 deployment leave at 300 lbs. MRO graduated from the USMC Marine Corps Warfighting Lab Train-the-Trainer 6 week course following deployment and lost 45 pounds."

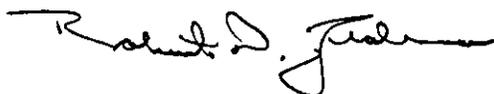
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 June 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 Performance Evaluation Review Board (PERB), dated 9 August 2013 and 9 April 2014, copies of which are attached, and your letter dated 29 August 2013 with enclosures.

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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure