



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

JSR  
Docket No: NR8180-14  
24 July 2014

[REDACTED]

Dear Chief Warrant Officer [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 2 July 2011 to 6 February 2012 be modified to reflect "Insufficient" observation by the reviewing officer (RO). You also requested removing your failure of selection by the Fiscal Year (FY) 2014 Chief Warrant Officer 3 (CWO3) Selection Board and affording you remedial consideration for the FY 2015 CWO3 Selection Board.

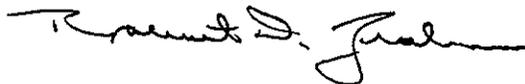
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 July 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 3 July 2014, a copy of which is attached, and your letter dated 21 July 2014 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 report of the PERB.

The Board recognized that the RO's comments in section K.4 of the fitness report at issue were substantially identical to his comments in the report for 23 November 2011 to 30 April 2012 for CWO2 D. A. M---, whereas your section K.3 (RO's "Comparative Assessment") mark (fifth best of eight possible marks) was one block lower. However, this did not persuade the Board that the RO evaluated you improperly. Since the Board found no defect in the fitness report in question, it had no grounds to remove your failure of selection for promotion or grant you remedial consideration for promotion. In view of the above, your application 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