



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

JSR

Docket No: NR8611-13

15 October 2014

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 removing the fitness reports for 2 June 2011 to 28 February 2012 and 29 February to 3 April 2012 and the service record page 11 ("Administrative Remarks (1070)") entries dated 28 February 2012 with your rebuttal dated 2 March 2012 and 2 April 2012 with your rebuttal dated 3 April 2012.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested fitness report for 2 June 2011 to 28 February 2012 by filing a Memorandum for the Record showing that section A, item 6.a ("Commendatory Material") is marked, and including in section I (reporting senior's "Directed and Additional Comments") "Directed Comments: Item 6A: MRO [Marine reported on] was awarded a Meritorious Mast and two Letters of Appreciation during this reporting period."

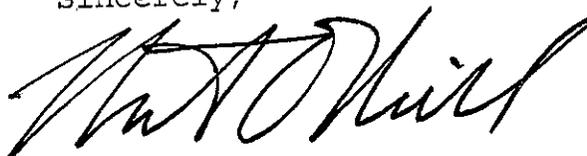
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 (HQMC) Performance

Evaluation Review Board (PERB), dated 14 November 2013 and 22 July 2014, and the advisory opinion from HQMC dated 27 January 2014, copies of which are attached. The Board also considered your letter dated 30 November 2013 in reply to the report of the PERB dated 14 November 2013.

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 and the advisory opinion. The Board noted that both contested page 11 entries were signed by the commanding officer, not the executive officer. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure