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

JSR
Docket No: NR10588-14
4 December 2014

[REDACTED]

Dear Captain [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 3 June to 13 October 2010 be modified by changing the reporting senior's evaluation to "not observed" and changing the ending date to 24 September 2010. You further requested that the fitness report for 14 October 2010 to 21 April 2011 be modified to begin on 25 September 2010.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report for 3 June to 13 October 2010 to end on 28 September 2010, and modified the report for 14 October 2010 to 21 April 2011 to begin on 28 September 2010.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 December 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 16 September 2014, a copy of which is 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 report of the PERB. The Board found it an immaterial error that the corrected ending date of the first report at issue and the corrected beginning date of the second report are the same date. In view of the above, your application for relief beyond or other than 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 "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure