



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

HD  
Docket No: NR12003-14  
19 March 2015

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 March 2015. 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 advisory opinion from Headquarters Marine Corps (HQMC) dated 21 January 2015, a copy of which is attached. The Board also considered a copy of your fitness report for 15 January to 2 October 2010, whose removal was directed by the HQMC Performance Evaluation Review Board, and the HQMC e-mail dated 21 November 2014 (the basis for the PERB action), a copy of which is also attached. Finally, the Board considered your e-mail dated 2 March 2015 with attachments.

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 advisory opinion. The Board found the basis for the PERB decision to direct removing the fitness report did not invalidate the contested counseling entry. The documents provided with your e-mail of

2 March 2015 did not persuade the Board that the entry in question was erroneous or unjust. In this regard, the Board particularly noted that the letter from the reporting senior dated 29 January 2014 did not indicate that your relief for cause, documented in the counseling entry, was unwarranted. 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 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