



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

JSR

JSR
Docket No: NR4746-14
14 August 2014

[REDACTED]

Dear Master 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 removing the fitness report for 1 July 2011 to 6 February 2012 and the service record page 11 ("Administrative Remarks (1070)") entry dated 3 February 2012 with your rebuttal dated 29 February 2012.

It is noted that the Commandant of the Marine Corps (CMC) has directed removing the contested fitness report.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 August 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 and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board dated 2 April 2014, the e-mail from HQMC dated 17 April 2014, and the advisory opinion furnished by HQMC dated 8 May 2014, copies of which are attached, and your letter dated 1 July 2014.

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 advisory

opinion. The Board found the letter on your behalf from the reporting senior, dated 4 October 2013, supported removing the contested fitness report, but not the page 11 entry at issue. The Board found the entry, while not detailed, was sufficiently specific to put you on notice of the reason you were relieved. The Board was unable to find this entry was issued in reprisal for your inspector general complaint about what you considered to be a hostile working environment. 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 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