



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

*JSR*

JSR  
Docket No: NR5192-14  
13 November 2014

[REDACTED]

Dear Staff 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 completely removing the fitness report for 1 July to 14 November 2002. As a second choice, you requested modifying the report by changing the rifle entry in section A, item 8.a ("Qual[ification]") from "U" (unqualified) to "S" (sharpshooter); removing, from the justification for the marks in sections G.2 and G.3, "MRO [Marine reported on] failed to achieve the minimum standards with the M-16A2 service rifle on 20 Sept 02 and received an UNQ."; and removing, from section I (reporting senior's "Directed and Additional Comments"), "- Section A, Item 8a: MRO did not qualify with the M-16A2 service rifle."

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by changing the entry in section A, item 8.a from "U" to "N" (not required); removing, from the justification for the marks in sections G.2 and G.3, "During this reporting period, MRO failed to achieve the minimum standards with the M-16A2 service rifle on 20 Sept 02 and received an UNQ. MRO was given a second opportunity to rectify his deficiencies with his service rifle. On his second attempt to qualify with his service rifle,"; and removing, from section I, "- Section A, Item 8a: MRO did not qualify with the M-16A2 service rifle."

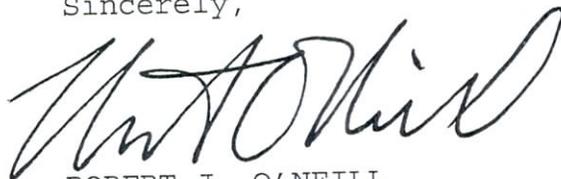
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your

application on 13 November 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 12 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. Accordingly, 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