



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

JSR
Docket No: NR8338-14
12 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 12 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 reports of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 7 July and 19 December 2014, copies of which are attached, and your DD Forms 149 dated 7 October 2014 and 10 February 2015, each 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. The Board found that paragraph 3004.10.c(4) of Marine Corps Order P1610.7F mandates omitting the annual fitness report when "It is known in advance another reporting occasion [in this case, your transfer] will occur within 30 days after the ending date for the report." The Board recognized that section I (reporting senior's "Directed and Additional Comments") of the contested annual report for 1 June 2010 to 31 May 2011 refers to your "Completing three year command tour" and section K.4 (reviewing officer's comments) says you were "In the

final days of a successful RS [recruiting station] commanding officer assignment." However, the Board particularly noted that you have provided nothing from the reporting senior to verify that he knew, as you assert he did, before he submitted the annual report at issue, that your transfer date would be within 30 days after the end of the reporting period. Finally, the Board was unable to find you were unjustly marked down for the failures of the RS sergeant major. 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 dark ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure