



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

JSR

JSR
Docket No: NR8176-14
11 September 2014

[REDACTED]

Dear 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 modifying the fitness report for 13 December 2012 to 9 April 2013 by removing, from section I (reporting senior (RS)'s "Directed and Additional Comments"), "With a sense of dedication and responsibility, he was able to attain a degree of expertise in these assigned duties." and removing, from section K.4 (reviewing officer (RO)'s comments), "RS is strict grader. Concur with tone of Section I comments." You also requested completely removing the fitness report for 23 May to 31 July 2013 or, if it cannot be removed, modifying it by removing, from section I, "[You] ranked 7 of 7 amongst [your] peers during this reporting period." and "With little more focus, self-motivation, and sense of pride in [your] duties [you] will execute above [your] belt level." and removing, from section K.4, "RS markings, while not overly flattering, must also be taken in the context of his strict grading practice with respect to his Sgt [sergeant] RS profile."

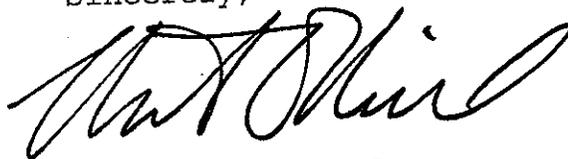
It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the fitness report for 23 May to 31 July 2013 by marking section A, item 5.b ("Not Observed"); removing the mark from section A, item 7.a ("Recommended for Promotion - Yes"); entering a mark in section A, item 7.c ("Recommended for Promotion - N/A [not applicable]"); removing pages 2, 3 and 4; removing section I; marking section K.1 (RO's observation) "Insufficient" rather than "Sufficient"; removing the marks from sections K.2 (RO's concurrence with RS) and K.3 (RO's "Comparative Assessment"); and removing section K.4.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 September 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 3 July 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. Since the Board agreed with the PERB concerning the RS comments in the fitness report for 13 December 2012 to 9 April 2013, it found no basis for removing the RO comments to which you object. 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 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director.

Enclosure