



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

JSR

Docket No: NR9152-14

26 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.

You requested completely removing the fitness report for 5 April to 30 November 2007, and you impliedly requested removing your failure of selection by the Fiscal Year (FY) 2015 Major Selection Board. After you had submitted your application, you failed of selection by the FY 2016 Major Selection Board. It is presumed you also request removing your failure of selection by the FY 2016 promotion board and setting aside action to effect your discharge on 1 July 2015 by reason of your having twice failed of selection for promotion.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested fitness report by removing, from section I (reporting senior's "Directed and Additional Comments"), "With detailed guidance and close supervision, accomplished assigned tasks to minimally acceptable standards." and removing, from section K.4 (reviewing officer's comments), "Although he maintained acceptable performance levels, he needed periodic supervision from the Battalion Executive Officer to accomplish complex assignments."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 1 August 2014, and the advisory opinion from HQMC dated 20 January 2015 with enclosure, copies of which are 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 in finding the contested fitness report, as modified, should stand. The Board found that neither of your failures of selection for promotion should be removed. In this regard, the Board substantially concurred with the advisory opinion in finding your selection by the FY 2015 promotion board would have been definitely unlikely, even if your record had reflected the modifications CMC has directed to the fitness report at issue. Since the Board found insufficient basis to remove your failure of selection by the FY 2015 promotion board, and the modifications CMC directed to the fitness report in question were effected on 4 August 2014, before the FY 2016 promotion board convened on 26 August 2014, the Board found your failure of selection by the FY 2016 promotion board should stand. As the Board found insufficient grounds to remove either of your failures of selection for promotion, it had no basis to set aside action to effect your discharge. 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 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 "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure