



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

dr

JSR

Docket No: NR9353-14

15 October 2014

[REDACTED]

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 1 February to 31 August 2007 and modifying the report for 1 September to 31 December 2007 by removing, from section K.4 (reviewing officer's comments), "Previously on the squadron's BCP [Body Composition Program], MRO [Marine reported on] has diligently worked to improve his physical fitness and meet the Marine Corps standard."

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report for 1 February to 31 August 2007 by removing, from section I (reporting senior's "Directed and Additional Comments"), "[You have] been assigned to the Body Composition Program and [have] made progress by passing an unofficial PFT [Physical Fitness Test]." and modifying as you requested the report for 1 September to 31 December 2007.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 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 5 August 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 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