



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

JSR

Docket No: NR9781-14

30 October 2014

gm

[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 that the fitness report for 2 June 2012 to 20 June 2013 be modified, in accordance with the reporting senior's (RS's) letter dated 27 September 2013, by raising the marks in sections E.3 ("Effectiveness under Stress"), F.2 ("Developing Subordinates"), F.3 ("Setting the Example") and F.5 ("Communication Skills") from "D" (fourth best of seven possible marks) to "E" (third best) and lowering the mark in section F.4 ("Ensuring Well-being of Subordinates") from "E" to "D."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 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 20 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.

The Board recognized that the RS's letter was submitted less than three months after the reporting period, but it was unable to find the proposed revised marks were more fair and accurate than the contested original marks. In this regard, the Board particularly noted that you provided nothing from the reviewing officer, who concurred with the original marks, to show that officer supported the proposed revised marks. 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.

Although the Board voted not to modify the fitness report in question, you may submit the RS's letter to future selection boards.

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