



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

282

JSR

Docket No: NR9949-14

22 January 2015



Dear Captain [REDACTED]

This is in reference to your application (DD Form 149) dated 9 June 2013 for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

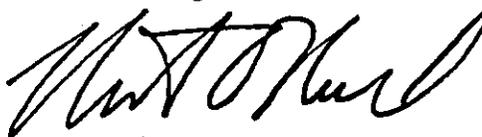
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 January 2015. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 4 September and 17 December 2014, copies of which are attached, your DD Form 149 dated 15 July 2014 with the attached brief of counsel, and your counsel's letter dated 16 January 2015.

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 reports of the PERB. The Board did not find it unjust that you received an adverse fitness report before you learned of your medical condition, as you have not established that you had a condition that supported a waiver of weight or body fact standards. 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 in 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,



ROBERT J. O'NEILL
Executive Director

Enclosure

Copy to:

