



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

[REDACTED]
Docket No. 3658-16

JUN 27 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC §1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2017. The names and votes of the members of the panel will be furnished upon request. 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. The Board also reviewed the advisory opinion provided by Headquarters Marine Corps memorandum 1610 MMRP-13/PERB dated 19 April 2016 ("AO"), which was sent to you on 19 April 2016 for an opportunity to comment prior to being considered. After the 30 day period for comment expired without a response, the case was presented to the Board.

You requested removal of your fitness report dated 20031101 to 20040315. 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. You asserted that the fitness report is inaccurate due to the report stating you struck a Marine and that you were never confrontational with your seniors. The Board substantially concurred with the comments contained in the AO. You received the fitness report in question after an investigation found to that you struck a Marine. You provided a rebuttal to the fitness report and chose to not comment on the allegation of striking the Marine. In your rebuttal to your fitness report, you stated you caused "an environment of perceived fear" but did not dispute being overly confrontational with seniors and receiving continued verbal counselings. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon submission of new evidence. New evidence is evidence not previously considered by the Board. In this regard, it is



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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,



Executive Director