



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

[REDACTED]
Docket No. 3960-16

AUG 22 2017

[REDACTED]
Dear [REDACTED]

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

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 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 considered the advisory opinion provided by Headquarters Marine dated 29 April 2016, which was previously provided to you.

On 20 September 2012, the reporting senior (RS) completed your annual (AN) fitness report ending on 31 December 2011 for a duration of approximately seven months. He made a direct comment justifying why your report was non-observed, due to him checking into the unit on 10 December 2011, and that you did not provide him the medical paperwork showing you were being placed on limited duty until 17 September 2012. You submitted a request to the Performance Evaluation Review Board (PERB) for the removal of your annual (AN) fitness report ending on 31 December 2011, from your Official Military Personnel File (OMPF). On 29 April 2011, the PERB denied your request.

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 requested that your fitness report ending on 31 December 2011 be removed from your OMPF. You asserted that the fitness report should be removed because it is a non-observed report that exceeds the maximum time for non-observed reports (90 days). The Board substantially concurred with the comments contained in the AO, specifically, that you did not identify who your RS should have been. The Board also agrees that if the proper RS is identified and you are provided with an observed report following the change in reporting senior (CH)

fitness report ending 3 June 2011, then this contested report should be removed. 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 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,

[REDACTED]

Executive Director