



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

Docket No: 3962-16
JAN 11 2017

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.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 December 2016. 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. In addition, the Board considered the advisory opinion (AO) furnished by Headquarters, Marine Corps (MMRP-13) dated 29 April 2016, a copy of which was previously provided to you and is enclosed.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your entire record and application, carefully considered your desire to have your fitness report for the reporting period from 13 June 2015 to 9 July 2015 (DC) removed from your record. In this regard, the Board considered your contention that you received two adverse fitness reports for the same incident, and that one report was later removed due to questionable validity, and therefore, the remaining report should also be removed. Additionally, you contend that the report was issued as personal, rather than professional. The Board determined that removal of the contested report from your record is not warranted. Specifically, the Board concurred with the AO and noted that your reporting senior (RS) properly reported the adversity of the report based on an alcohol-related incident that had been adjudicated in civilian jurisdiction, and because the other report was previously removed, the contested report is not a duplicate. Further, the contested report is administratively and procedurally correct as written and filed. Lastly, you failed to substantiate how your report is personal as it is a true and accurate reflection of the facts during the reporting period. Accordingly, your application has been denied.

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 and material evidence within one year from the date of this letter. New evidence is evidence not previously considered by the Board prior to making its decision in your 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,


Executive Director