



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

[REDACTED]
Docket No: 3967-16
JAN 31 2017


[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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 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) undated, a copy of which was previously provided to you.


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 19 August 2010 to 30 June 2011 removed from your record. In this regard, the Board considered your contentions that you were not given the reviewing officer (RO) grading average at the time the report was submitted, and that there is a significant disparity between the reporting senior (RS) and RO evaluations. 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 the RS and the RO evaluated you from different levels of perception, and their evaluations are not required to match. The Board also concurred with the AO in that the RO's advocacy letter contains no new specific accomplishments of yours during the reporting period that would substantiate why the report should be changed. Further, the contested report is administratively and procedurally correct as written and filed. Accordingly, your application has been denied.


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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