



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

[REDACTED]  
Docket No: 4078-16

FEB 27 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 January 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. In addition, the Board also considered the advisory opinion furnished by Headquarters Marine Corps (MMRP-13/PERB) dated 29 April 2016 ("AO"), a copy of which was provided to you on 29 April 2016 for an opportunity to comment prior to being considered by the Board. The Board also considered the letter from your counsel.

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 regard, the Board substantially concurred with the comments contained in the AO. The Board concluded that the contested fitness reports will remain in your Official Military Personnel File (OMPF) because they were administratively and procedurally correct when posted to the OMPF.

For the contested report ending 25 June 2014, the Board concurred with the AO that the worksheet can be changed during the reporting period. The worksheet is not a prerequisite per Marine Corps directives before a valid report can be submitted. The Board also noted you did not provide documentation or substantiation that you were permanently assigned as Company First Sergeant. The report in question states "Serve as the Company First Sergeant in his absence." Finally, the Board noted that Marine Corps directives states that performance counseling can take place throughout the reporting period, as necessary and applicable, and there is not a requirement for the RS to counsel a Marine upon completion of a fitness report.

For the contested report ending 31 May 2015, the Board concurred with the AO and determined that the report does not depict a below average performance and that counseling may be

accomplished in many styles and forums. Finally, the Board noted that the RS and RO on both reports attested to the truth and accuracy of their assessments which was written without bias. 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 the Board's decision. 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