



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

[REDACTED]
Docket No: 4094-16
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.

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) dated 26 April 2016, a copy of which was previously provided to you, as well as your advocacy letter from the I & I, [REDACTED] First Sergeant.

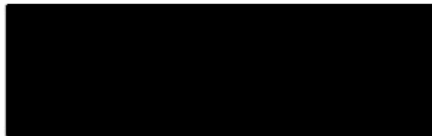
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your entire record and application, carefully considered your desire to have your Annual (AN) fitness report for the reporting period from 1 January 2014 to 31 December 2014, and your Change of Reporting Senior (CH) fitness report for the reporting period from 1 January 2015 to 25 May 2015, removed from your record. In this regard, the Board considered your contentions that all of your major accomplishments were overshadowed due to legal allegations and not factual information and that your attribute and comparative assessment are unjust. The Board determined that removal of the contested reports from your record is not warranted. In this regard, the Board concurred with the AO that you failed to substantiate your contention that the reports are anything less than a true and accurate reflection of your exhibited efforts and results. Specifically, you did not substantiate what accomplishments were overshadowed, how the attribute marks and comparative assessment are unjust, or that they were lowered due to legal allegations. Further, the advocacy letter did not substantiate that the reporting officials lost objectivity with your overall performance, or how the marks and comments should have read on either report. Finally, the Board concluded that both contested reports are 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