



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 08343-98
20 May 1999

SGT [REDACTED] USMC
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sergeant [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. You requested removal of your fitness report for 1 March to 15 September 1997.

It is noted that the Commandant of the Marine Corps (CMC) has modified the contested fitness report by changing the entry in item 5a from "NNNMED" (rifle qualification not required, pistol qualification not required, not medically qualified for physical fitness test (PFT)) to "NNA259" (rifle/pistol qualification not required, passed PFT first class with a score of 259), and removing the following sentence from section C: "Marine did not qualify with service weapon or run a PFT this fiscal year."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 May 1999. 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 24 November 1998, a copy of which is attached.

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 warranting complete removal of the contested report. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter 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,

W. DEAN PFEIFFER
Executive Director

Enclosure

8343-98



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1610
MMER/PERB
24 Nov 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
SERGEANT [REDACTED] USMC

Ref: (a) Sergeant [REDACTED] DD Form 149 of 2 Oct 98
(b) MCO P1610.7D w/Ch 1-3

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with three members present, met on 19 November 1998 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970301 to 970915 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the report contains incorrect information concerning the Reporting Senior's comments that he neither qualified with the service weapon nor completed a physical fitness test (PFT) during the fiscal year. To support his appeal, the petitioner furnishes a printout of his Basic Training Record (BTR) from the Marine Corps Total Force System (MCTFS).

3. In its proceedings, the PERB concluded that, with minor exceptions, the report is administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The MCTFS extract clearly shows that the petitioner completed a PFT during July 1997 (within the reporting period) and achieved a first class score of 259. What the MCTFS documentation also reveals is that the petitioner did not qualify with the service weapon until **after the reporting period ended**. Since the petitioner was current with his service weapon qualification at the time the report was written, the first two letters in Item 5a (i.e., "NN") are correct. That being the case, the Board has directed the following modifications to the report:

(1) Item 5a. Change to read "NNA259"

(2) Section C. Elimination of the following sentence:
"Marine did not qualify with service weapon or run a PFT this fiscal year."

(3) PERB

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
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b. The errors associated with information on the PFT and service weapon qualification do not impact on the remainder of the evaluation. As such, the Board discerns no justification for complete removal of the report.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as modified, should remain a part of Sergeant [REDACTED]'s official military record. The limited corrective action identified in subparagraph 3a is considered sufficient.

5. The case is forwarded for final action.

[REDACTED]

[REDACTED]
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps