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

SMC  
Docket No: 01491-01  
28 June 2001

SGT [REDACTED] USMCR

Dear Serge [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 28 June 2001. 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 26 February 2001, 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. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Although the Board voted not to file the documents in question in your fitness report record, they noted you may submit them to future selection boards.

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



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

IN REPLY REFER TO:

1610  
 MMR/PERB  
 26 FEB 2001

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] USMCR

Ref: (a) Sergeant [REDACTED] DD Form 149 of 13 Oct 00  
 (b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 21 February 2001 to consider Sergeant [REDACTED] petition contained in reference (a). The petitioner asked that the enclosures furnished with reference (a) (her statement, a statement from [REDACTED], and a record of her physical fitness test (PFT) scores) be added to the fitness report for the period 970801 to 980727 (DC). Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that although the challenged report is not erroneous, there are extenuating circumstances concerning her failure of the PFT which she desires added to the record. The documents appended to reference (a), identified in paragraph one above, have been provided as substantiation.

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

a. At the outset, the Board stresses that when the petitioner acknowledged the adverse nature of the report (evidence her signature in Item 24), she opted to omit any statement in her own behalf. In so doing, she passively concurred in the accuracy of the evaluation without providing any matters in extenuation and mitigation.

b. Marine Corps PFT's are scheduled (per Standing Operating Procedure) and announced well in advance of the target date. Consequently, all Marines are typically prepared. Those who are not, or those who are not in peak health, are usually aware and seek appropriate medical attention. It is incumbent on each

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

participant to make officials aware of any debilitating condition(s) that may preclude performing and passing the PFT. The petitioner failed to seek medical advice prior to failing the PFT, but presumed herself to be physically fit. Poor judgment was exercised in not seeking assistance prior to, during, and immediately following the PFT.

c. [REDACTED]'s letter of 12 October 2000 indicates the petitioner's condition existed for an extended period of time and was directly related to the failed PFT. With all due respect to [REDACTED]'s evaluation, it cannot be presumed that the "extended period" actually included the period during which the petitioner failed the PFT, nor that it was not due to the petitioner's lack of effort. Further, [REDACTED] did not have the benefit of examining the petitioner at the time of the PFT. His evaluation was some three years after the fact.

d. As a final matter, the Board invites attention to the provisions of reference (b) which, with few minor exceptions, prohibit attaching anything to a fitness report other than the authorized Standard Addendum Page. The items which the petitioner asks to have included with the fitness report at issue are not included with said exceptions.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as configured, should remain a part of Sergeant [REDACTED]'s official military record.

5. The case is forwarded for final action.

[REDACTED]

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