



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

BJG
Docket No: 1886-00
29 June 2000

CWO2 [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [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 29 June 2000. 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 (HQMC) Performance Evaluation Review Board (PERB), dated 10 March 2000, the advisory opinion from the HQMC Manpower Equal Opportunity Branch, Manpower Plans and Policy Division (MPE), dated 6 April 2000, and the advisory opinion from the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), dated 19 May 2000, copies of which are attached. They also considered your rebuttal letter dated 20 June 2000 with enclosure.

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 and the advisory opinion from MPE. They were unable to find that you were not counseled, noting that you acknowledge you were "informed through E-mail." Since the Board found no defect in your performance record, they had no basis to strike your failure by the Fiscal Year 2000 Chief Warrant Officer-3 Selection Board or to recommend granting a special selection board. In view of the above, your application 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

Enclosures



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

1986-00
7
IN REPLY REFER TO:
1610
MMER/PERB
10 MAR 2000

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 CWO-2
[REDACTED] USMC

Ref: (a) CWO-2 [REDACTED] DD Form 149 of 22 Oct 99
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 7 March 2000 to consider CWO-2 [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 970802 to 980226 (CH)
- b. Report B - 980227 to 980601 (TR)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner contends the reports are unjust evaluations and reflect racial bias. To support his appeal, the petitioner furnishes his own detailed statement, copies of the reports at issue, a copy of his Master Brief Sheet, an e-mail letter of 980406, copies of prior and subsequent fitness reports, and a copy of a 1995 article from Flight Jacket Magazine.

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

- a. Notwithstanding the petitioner's own statement and the documentation included with reference (a), the Board finds absolutely nothing to substantiate the petitioner's claims of racial bias, unfairness, or inaccuracy. While his prior and subsequent fitness report may reflect higher degrees of success, the Board is quick to point out that each performance appraisal chronicles performance during a finite period and its comparison with other fitness reports is not considered a valid gauge in determining either accuracy or validity.

- b. It is the position of the PERB that to justify the deletion or amendment of fitness reports, evidence of probable

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF CWO-2
[REDACTED], [REDACTED] USMC

error or injustice should be produced. Such is simply not the situation in this case.

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

5. The case is forwarded for final action.

[REDACTED]

Colonel, U.S. Marine Corps
Deputy Director
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



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

148600

IN REPLY REFER TO:
5354
MPE

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

Subj: REVIEW OF BCNR APPLICATION IN THE CASE OF CWO [REDACTED]
[REDACTED] USMC

Ref: (a) BCNR application dtd 22 Oct 99

1. As requested, a review of the reference was conducted. There is no documentation to support the claim made by [REDACTED] of racial bias being a factor in the fitness reports in question.

2. It is recommended that any additional documentation pertinent to this request be forwarded to the Manpower Equal Opportunity Branch, Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, Virginia 22134-5103 for review. Otherwise, this case is unsubstantiated and closed.

3. Point of contact [REDACTED]

[REDACTED]

Colonel, U.S. Marine Corps
Head, Manpower
Equal Opportunity Branch
Manpower Plans and Policy
Division



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

1986-00

IN REPLY REFER TO:

1600
MMAA-4
19 May 00

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

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Chief Warrant Officer [REDACTED]
[REDACTED] USMC of 17 May 00

1. Recommend disapproval of Chief Warrant Officer [REDACTED] implied request for removal of his failure of selection.
2. Per the reference, we reviewed Chief Warrant Officer 2 [REDACTED] record and petition. He failed selection on the FY00 USMC Chief Warrant Officer 3 Selection Board. Subsequently, he unsuccessfully petitioned the Performance Evaluation Review Board (PERB) for removal of the Change of Reporting Senior fitness report of 970802 to 980226 and the Transfer fitness report of 980227 to 980601. Chief Warrant Officer [REDACTED] petition implies a request for removal of his failure of selection.
3. In our opinion, Chief Warrant Officer [REDACTED] request does not reflect a material change in his record as it appeared before the FY00 Board. His record received a substantially complete and fair evaluation by the Board and his petition is without merit. Therefore, we recommend disapproval of Chief Warrant Officer 2 [REDACTED] implied request for removal of his failure of selection.
4. Point of contact is [REDACTED] [REDACTED] [REDACTED]

[REDACTED]
Lieutenant Colonel, U.S. Marine Corps
Head, Officer Career Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division