



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

SMC
Docket No: 02497-00
15 June 2000

[REDACTED] USMC
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 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 Performance Evaluation Review Board (PERB), dated 5 April 2000, 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. 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

Enclosure

2497-00

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



IN REPLY REFER TO:
1610
MMER/PERB
5 APR 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
[REDACTED] USMC

Ref: (a) Sgt [REDACTED] DD Form 149 of 11 Dec 99
(b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 4 April 2000 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 980121 to 980930 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the report is both substantively inaccurate and inconsistent. To support his appeal, the petitioner furnishes his own statement.

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. Contrary to the petitioner's arguments and assertions, the Board discerns absolutely no inconsistency between any of the assigned ratings in Section B and the comments in Section C. That the petitioner believes otherwise is viewed as his opinion as to the degree of his success as opposed to the opinion of his Reporting Senior.

b. In noting the "occasional" nature of any friction caused by the petitioner's overbearing/aggressive personality, the Reporting Senior clearly qualified his remarks. Consequently, the Board does not view that remark as either adverse or inconsistent with the remainder of the evaluation. Likewise, the Board views the petitioner's arguments regarding PME as unsupported/unsubstantiated. Subparagraph 4007.4c(9) (guided comments) of reference (b) allows comments concerning a Marine's efforts to improve educational and MOS skills, and professional knowledge. With this in mind, the Board finds that the Reporting Senior was well within the spirit and intent of that directive in documenting that the petitioner had not yet attended the resident Sergeant's course.

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ADVISORY OPINION ON BCCR APPLICATION IN THE CASE OF
SERGEANT [REDACTED] USMC

c. Lacking any material or documentary evidence to the contrary, the challenged fitness report appears to be an objective and accurate appraisal of performance over an eight month period.

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