



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

SMC
Docket No: 03138-01
9 August 2001

SSC [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff 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 the fitness report for 1 January to 31 December 1997.

It is noted that the Commandant of the Marine Corps (CMC) has directed amendment of the contested fitness report to reflect you were the subject of a meritorious mast.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 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 18 April 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 warranting 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

3138-01



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

IN REPLY REFER TO:

1610
MMER/PERB
18 APR 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 STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 13 Nov 00
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 2 April 2001 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 970101 to 971231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that his failure to achieve his recruiting mission was because one of his "priority one" high schools was being taken away. He believes that this, coupled with the relief of his noncommissioned officer-in-charge (NCOIC), and the return of that individual to a production status, had significant impact on mission failure. To support his appeal, the petitioner furnishes his own statement, a copy of a Meritorious Mast for the period October 1996 through September 1997, and a letter from Master Sergeant [REDACTED] (Recruiter Instructor during the stated period).

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

a. Notwithstanding the petitioner's statement and the advocacy letter furnished by Master Sergeant [REDACTED] there is no showing that the report is not either factual or accurate. In fact, in his adjudication the Reviewing Officer acknowledged that the petitioner had lost a "priority one" high school, but also indicated that even so, the petitioner's pool of qualified male high school seniors was well above the Recruiting Station's average. To this end, the Board discerns absolutely no injustice.

(3) PERB

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b. Since the petitioner was the recipient of a Meritorious Mast during the reporting period, Item 17a (commendatory) should have reflected a mark of "yes" and Section C should have contained an amplifying statement. The Board does not, however, find this administrative oversight to invalidate the report. Instead, we have directed the appropriate corrections to both the fitness report and the petitioner's Master Brief Sheet.

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

5. The case is forwarded for final action.

[REDACTED SIGNATURE]

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