



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

BJG
Docket No: 4283-01
28 June 2001

1ST [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Lieutenant [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 27 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 22 May 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. They did note that all the commendatory material you received was dated after the reporting period, so the PERB action amending your contested fitness report to reflect you were the subject of commendatory material was unwarranted. However, the Board felt it would not be remedial to cancel the PERB action. 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



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

IN REPLY REFER TO:
1610
MMER/PERB
22 MAY 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 FIRST
LIEUTENANT [REDACTED] USMC

Ref: (a) 1stLt [REDACTED] DD Form 149 of 30 Jan 01
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 16 May 2001 to consider First Lieutenant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 991213 to 000531 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner infers that the report is inconsistent. He bases his argument on the fact that the report contains adverse comments concerning his professionalism, yet he received three Letters of Appreciation (LOA), and in the past, was the subject of dissimilar evaluations from his previous Commanding Officer. To support his appeal, the petitioner furnishes copies of the LOA's and a copy of an endorsement on an Administrative Action form.

3. In its proceedings, the PERB concluded that, with one 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 arguments and continuing dissatisfaction with the report, the Board finds nothing included with reference (a) that contradicts or otherwise calls into question the accuracy or fairness of the challenged fitness report. The Board specifically notes that the Reviewing Officer succinctly resolved the petitioner's disagreement with the evaluation. Of particular note [REDACTED] comment that the "adverse status" of the report is warranted.

b. While the LOA's speak well of the petitioner, they do not somehow invalidate the overall appraisal. One was for a specific event (BEACHCREST 2000) and the other was for voluntary

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efforts in the civilian community. As a matter of information, there were two LOA's rather than the three identified by the petitioner. The one which he identifies as enclosure (1) to his letter of 30 January 2001 is an endorsement to the 27 July 2000 LOA. In this regard, the Board observes that Item 6a (commendatory) of the report should have reflected a mark and that Section I should have contained information regarding the two LOA's. Appropriate corrections to the report and the petitioner's Master Brief Sheet have been directed.

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 First Lieutenant [REDACTED] official military record. The limited corrective action identified in subparagraph 3b is considered sufficient.

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