



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

SMC  
Docket No: 04367-00  
24 August 2000

GYSG [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Gunnery 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 three fitness reports, for 1 September 1988 to 16 April 1979, 17 April to 24 July 1993 and 25 to 30 July 1993.

It is noted that the Commandant of the Marine Corps (CMC) has removed the contested reports for 1 September 1988 to 16 April 1989 and 17 April to 24 July 1993.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 August 1994. 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 20 June 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 report of the PERB in finding the remaining contested fitness report, for 25 to 30 July 1993, should stand. In view of the above, 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



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

4367-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
20 JUN 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  
GUNNERY SERGEANT [REDACTED] USMC

Ref: (a) GySgt [REDACTED] Form 149 of 10 Apr 00  
(b) MCO P1610.7C w/Ch 1-4  
(c) MCO P1610.7C w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 15 June 2000 to consider Gunnery Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 880901 to 890416 (TR) -- Reference (b) applies. *Removed*
- b. Report B - 930417 to 930724 (TD) -- Reference (c) applies. *Removed*
- c. Report C - 930725 to 930730 (TD) -- Reference (c) applies

2. The petitioner contends that all three reports violate various provisions of the respective governing directives and are biased and prejudicial. To support his appeal, the petitioner furnishes his own detailed statement along with a copy of his Request Mast documentation.

3. In its proceedings, the PERB concluded that:

a. The removal of Reports A and B is warranted and has been directed.

b. Report C is both administratively correct and procedurally complete as written and filed. The petitioner is in error when he indicates that a fitness report was not required to cover the six-day period while he was attending the Advanced Disbursing Course. He was given Temporary Additional Duty (TAD) orders to the course; that required a "to TAD" (TD) report. Upon completion or termination from that school, he had to receive a "from TAD" (TD) report sending him back to his parent command. There is nothing adverse in the report; merely the statement that the petitioner was dropped due to humanitarian reasons.

(3) PERB

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
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GUNNERY SERGEANT [REDACTED] USMC

4. The Board's opinion, based on deliberation and secret ballot vote, is that Report C should remain a part of Gunnery 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