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

SMC  
Docket No: 04541-01  
16 August 2001

SSG [REDACTED] USMC

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 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 4 June 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. 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

4541-01

IN REPLY REFER TO:  
1610  
MMER/PERB  
4 JUN 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) SSg [REDACTED] DD Form 149 of 27 Feb 01  
(b) MCO P1610.7E w/Ch 1

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 31 May 2001 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 990410 to 991201 (GC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner states that on the day the report was written he was reported as being overweight, yet had never been placed on weight control. It is his belief that the failure of the command to place him on official weight control warrants removal of the report. To support his appeal, the petitioner furnishes his own statement and a copy of the challenged fitness report.

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. Simply stated, the petitioner is incorrect. Subparagraph 4003.8f of reference (b) renders a report "adverse" for male Marines if the body fat percentage reported in Item 8f of Section A is 19 percent or greater. In this case, the petitioner's body fat is rated at 21%. Since there is no commentary in Section I indicating any medical problem(s) contributing to the weight or body fat percentage, the report was correctly rendered adverse.

b. Failure to be placed on the weight control program, or absent appropriate unit diary entries, does not void a fitness report. Maintaining the appropriate height/weight ratio is a personal endeavor and failure to comply is not excusable due to non-reporting via the unit diary. As noted by the Third

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Sighting Officer, the petitioner finally attained appropriate height/weight/body fat standards. That, however, was 35 days after the reporting period ended.

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

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