



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

BJG  
Docket No: 5120-01  
3 August 2001

MA [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear [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.

It is noted that the Commandant of the Marine Corps (CMC) has amended the contested fitness report for 1 August 1999 to 31 May 2000 to reflect that you were the subject of commendatory correspondence.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 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 25 June 2001, a copy of which is attached. They also considered your rebuttal letter dated 20 July 2001 with enclosure, the case examiner electronic mail (e-mail) dated 25 July 2001, and your e-mail reply dated 25 July 2001.

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.

The Board did not consider your contention that the contested fitness report was submitted in reprisal for your not tolerating improper actions of two of your reporting senior's subordinates, as you have submitted a complaint to the same effect to the Department of Defense Waste, Fraud and Abuse office; your e-mail of 25 July 2001 indicated that you wanted your case to be decided on the available evidence of record, in light of your upcoming promotion board; and your reprisal contention cannot be properly reviewed without the outcome of your complaint.

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