



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

SMC  
Docket No: 07650-00  
7 June 2001

SSGT [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 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 6 November 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 comments contained in the report of the PERB. Accordingly, 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  
6 NOV 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 STAFF  
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 17 Aug 00  
(b) MCO P1610.7D

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 2 November 2000 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 950505 to 950811 (TD)
- b. Report B - 951110 to 960205 (TD)

Reference (b) is the performance evaluation directive governing submission of both reports.

2. The petitioner contends there is a statement in the narrative portion of Report A that could be misinterpreted, indicating that the "administrative oversight" regarding weapons qualification was his fault. Concerning Report B, the petitioner argues that despite the noted improvement in his performance, as reflected in several Section B grades and Section C comments, Item 15a reflects a lower rating than on the previous report by the same Reporting Senior. It is the petitioner's belief that this inconsistency has unfairly affected his competitiveness.

3. In its proceedings, the PERB concluded that both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. At the outset, the Board emphasizes that the petitioner has offered no evidence whatsoever to support his allegation that either report is either unfair or unjust.

b. Report A had the potential to be "adverse" due to the marking in Item 5a (qualification "X"; required did not fire). However, based on the Reporting Senior's explanation, no adversity was intended or inferred. In fact, and contrary to the

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petitioner's argument, the Board did not construe the "oversight" to be the petitioner's fault.

c. While the Board recognizes that the overall tone of Report B reflects an improvement over the prior report by First Lieutenant [REDACTED] (i.e., Report A), they do not find the petitioner's lower placement in Item 15a to invalidate the appraisal. In this regard, the Board points out that Item 15 is not an average of other Section B markings, but a separate evaluation of the "whole Marine" in relation to all other Marine Corps contemporaries whose abilities have been known to the Reporting Senior (subparagraph 4006.1 of reference (b) applies).

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Staff 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