



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

BJG  
Docket No: 4885-01  
3 January 2002

SGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Serge [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 3 January 2002. 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 15 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. 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

4885-01

IN REPLY REFER TO:  
1610  
MMER/PERB  
15 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  
SERGEANT [REDACTED] SMC

Ref: (a) Sergeant [REDACTED] DD Form 149 of 12 Mar 01  
(b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 13 June 2001 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 980301 to 980930 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report contains inaccurate and unjustified comments. He also states that since he was not counseled during his probationary period, he assumed his performance was acceptable. To support his appeal, the petitioner furnishes his own detailed statement and a list of the contracts he wrote during his tenure.

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. Notwithstanding the petitioner's own statement, there is nothing to document that the report is either unfair or inaccurate. As he states in paragraph four of his letter, his accession rate was well below the 3.0 expected of recruiters. The inherent nature of being a recruiter allows for quantifiable results. Simply stated, the petitioner failed and was correctly held accountable. To this end, the Board discerns absolutely no error or injustice.

b. The petitioner states he had no adverse counseling and naturally assumed his performance was acceptable. As indicated in subparagraph 3a above, he knew he was recruiting at a level below what was expected. Hence, he should have been aware that his performance was not acceptable and the challenged fitness report should not have been a surprise. Contrary to the petitioner's argument, the Board does not view the report as a

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"counseling tool", but rather an accurate account of performance during the stated seven month period.

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