



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

dn

BJG
Docket No: 2766-03
22 October 2003

SSGT [REDACTED] USMC
[REDACTED]
S [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 22 October 2003. 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 March 2003, 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. Specifically concerning the contested fitness report for 19 April 1994 to 28 February 1995, the Board was unable to find the reporting senior erred by not expressly stating you had an additional duty as unit diary chief for two months. 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

IN REPLY REFER TO:
1610
MMER/PERB
MAR 20 2003

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 ██████████ USMC

Ref: (a) SSgt ██████████ DD Form 149 of 10 Dec 02
(b) MCO P1610.7C w/Ch 1-5
(c) MCO P1610.7C w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 March 2003 to consider Staff Sergeant ██████████ petition contained in reference (a). Action as indicated was requested on the following fitness reports:

a. Report A - 910510 to 911222 (TR). Elimination of verbiage from Section C. Reference (b) applies.

b. Report B - 940419 to 950228 (AN). Removal in its entirety. Reference (c) applies.

2. The petitioner contends that the sentence in Section C of Report A indicating a willingness to learn carries "adverse" connotations. She believes this information adds no value or meaning to the report and its inclusion goes against the spirit and intent of reference (b). Concerning Report B, the petitioner argues the report is not an accurate assessment of her performance during the stated period. It is her position that the Reporting Senior had very little knowledge of her particular military occupational specialty (MOS), that significant billet accomplishments were omitted from the Section C comments, and that she assumed an additional duty as the Unit Diary Chief for approximately two months of the reporting period. The petitioner argues that the omission of these significant accomplishments diminishes the overall performance evaluation and presents a substantially inaccurate picture of her performance. To support her appeal, the petitioner furnishes several letters on her behalf and a copy of the Navy and Marine Corps Commendation Medal Summary of Action Recommendation.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

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. Report A was the first observed evaluation the petitioner received in the grade of sergeant. It is an overall "outstanding" evaluation and reflects positively on her efforts and accomplishments. The Board disagrees with the petitioner's opinion concerning the comments to which she objects. Rather, they believe the Reporting Senior clearly and positively conveyed the petitioner's initiative and resolve to gain the knowledge she had not yet acquired. Taken in its total context, which all reports must, the report is highly satisfactory.

b. As with Report A, Report B is an overall "outstanding" appraisal, with only one grade in the "excellent" category (Item 14b, personal appearance). That grade, however, is not linked to any of the arguments she surfaces.

c. While the advocacy letters from Captain [REDACTED] and Master Sergeants [REDACTED] and Sample all speak highly of the petitioner's performance during the period covered by Report B, the Board concludes that none of those three individuals were in the petitioner's direct reporting chain, nor were they in positions from which to better observe and evaluate her performance than were the designated reporting officials. Their respective opinions concerning what should have been included in the report are precisely that - their opinions. It was incumbent on the reporting officials to document what they believed to be significant. Gunnery Sergeant [REDACTED] letter recounts the petitioner's performance at a prior command, and is therefore not considered germane.

d. The Board finds nothing that documents the petitioner's exact role or specifically acknowledges her actions with regard to the October 1994 MCAAT Inspection. Although the MCAAT Inspection is identified in the Summary of Action at enclosure (5) to reference (a), the Board believes that the overall success was the result of a team effort and not the work of just one person (i.e., the petitioner). Even if that were the

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

situation, the Board concludes that failure to mention the results of the MCAAT Inspection does not invalidate Report B.

4. The Board's opinion, based on deliberation and secret ballot vote, is that Reports A and B 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