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

BJG  
Docket No: 9245-09  
26 February 2010

[REDACTED]

[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.

You requested that the fitness report for 14 July 2007 to 1 March 2008 be modified by marking section A, items 3.c ("Type") and 6.a ("Commendatory Material") and removing section K (reviewing officer's marks and comments.) It is noted that the Commandant of the Marine Corps (CMC) has directed entering a mark of "B" (combat and joint duty) in item 3.c, marking item 6.a and adding to section I (reporting senior's "Directed and Additional Comments") "MRO [Marine reported on] received MSM [Meritorious Service Medal] from previous command." You also requested consideration by a special selection board for promotion to lieutenant colonel and remedial consideration for command slating. Your request for remedial consideration for command slating was not considered, as there is no provision for such consideration. When you are next considered for command, you will have the benefit of the corrections that have been made to your record.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 February 2010. 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 (HQMC) Performance Evaluation Review Board (PERB), dated 20 August 2009, the advisory opinion from the HQMC Officer Counseling and Evaluation Section, Personnel Management Division (MMOA-4), dated 24 August 2009, and the memoranda for the record, dated 19 and 22 October 2009, copies of which are 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 and the comments from MMOA-4 reflected in the memorandum for the record dated 22 October 2009. Accordingly, 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosures