

en



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

JSR

Docket No: 12667-09

4 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 initially requested completely removing the fitness reports for 5 June to 15 December 1999, 16 December 1999 to 31 March 2000 and 1 April to 31 July 2000. By e-mail dated 30 September 2009 you amended your application, as it concerned the report for 5 June to 15 December 1999, to request modification by removing section K (reviewing officer marks and comments), rather than complete removal.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report for 5 June to 15 December 1999, as you requested, by removing section K; modifying the report for 16 December 1999 to 31 March 2000 by removing section K and removing, from section I (reporting senior's "Directed and Additional Comments"), "His ability to accomplish tasks is improving with guidance from both his peers and seniors."; and completely removing the report for 1 April to 31 July 2000.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 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 Performance Evaluation Review Board (PERB), dated 2 December 2009, 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 for relief beyond that effected by CMC, specifically, complete removal of the report for 16 December 1999 to 31 March 2000, 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