



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

JSR

JSR
Docket No: 1480-10
15 April 2010

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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 modifying the fitness report for 7 October 2008 to 17 March 2009 by removing the comments of the reporting senior (RS), reviewing officer (RO) and third officer.

It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the report by removing, from the third officer's comments, "- I encouraged [you] to gain a professional medical evaluation for a Narcissistic personality disorder and the opportunity to attend anger management classes, to my knowledge, both of which he has not pursued."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 April 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 5 February 2010, a copy of which is attached, and your letter dated 25 March 2010 with enclosures.

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. The Board was unable to find the RO had a personality conflict with you that developed from his assumption that you had called him a racist, or that he had made such an assumption. The Board found the comments of the RS, RO and third officer were sufficient and that the RS comments were not vague. Finally, the Board could not find the RS and RO tried to force you to be a maintenance chief capable of "making nice" with everyone. In view of the above, 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,


W. DEAN PFEIFFER
Executive Director

Enclosure