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

BJG  
Docket No: 6744-11  
1 August 2011

[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 removing the fitness report for 3 June to 11 July 2010.


It is noted that the Commandant of the Marine Corps (CMC) has directed modifying the contested report by changing the entry in section A, item 3.b ("From") to show "20100630" (30 June 2010), rather than "20100603" (3 June 2010).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 July 2011. 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. The Board also considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 20 June 2011, a copy of which is attached. The Board also considered your rebuttal letter dated 14 July 2011 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 report of the PERB. The Board particularly noted that the statement from Colonel K---, at enclosure (4) to your letter of 14 July 2011, supported the reviewing officer's finding of an "unsatisfactory command climate," which resulted in his loss of confidence in you and consequent decision to relieve you of your duties as battalion commander. In view of the above, your request 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