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

BJG
Docket No: 12425-10
13 January 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.

In your previous case, docket number 3249-07, your request to remove the fitness reports for 2 October 1980 to 31 January 1981, 16 November 1981 to 31 January 1982 and 1 February to 28 July 1982 was denied on 2 May 2007. You now request that the report for 2 October 1980 to 31 January 1981 be modified by addition of the reporting senior's (RS's) undated letter, and you again request removing the other two reports. In addition, you now request changing your reenlistment code from RE-3C (directed by the Commandant of the Marine Corps or not eligible and disqualifying factor is not covered by any other code) to RE-1A (recommended and eligible).


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 January 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, and the Board's file on your prior case. The Board also considered the letter from the Headquarters Marine Corps (HQMC) Performance Evaluation Review Branch, Personnel Management Division (MMER), dated 31 March

2004, and the report of the HQMC Performance Evaluation Review Board (PERB), dated 21 October 2010, copies of which are attached. Finally, the Board considered your rebuttal letter dated 17 November 2010.

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 regard, the Board substantially concurred with the comments in the letter from MMER and the report of the PERB. In declining to file the RS's letter, the Board observed that the letter did not address any special order, and that the report for 2 October 1980 to 31 January 1981 mentioned your "marked improvement" in reducing your administrative error rate. In view of the above, the Board again voted to deny relief. 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

Enclosures