



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

JSR
Docket No. NR3084-13
10 October 2013

[REDACTED]

Dear [REDACTED]

This is in reference to your application dated 1 March 2013, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You again requested removing the fitness report for 1 June 2005 to 17 June 2006. This request was denied in your previous cases, docket numbers 8554-07 and 10274-11, on 16 November 2007 and 3 November 2011, respectively.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 10 October 2013. 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, the Board's files on your prior cases, 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 14 August 2013, 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. The Board duly noted the supporting statement from your current reporting senior at enclosure (3) to your letter of 28 February 2013. Enclosure (7) to your letter did not persuade the Board that your reporting senior discriminated against you because of your Puerto Rican heritage. 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