



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No: 2394-16

JAN 31 2017

[REDACTED]  
Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2016. The names and votes of the members of the panel will be furnished upon request. 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 advisory opinion (AO) furnished by Headquarters, Marine Corps (MMRP-13) dated 15 March 2016, a copy of which was previously provided to you.

Regarding your request for a personal appearance, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your entire record and application, carefully considered your desire to have both your Annual (AN) fitness report for the reporting period from 1 January 2014 to 31 March 2014, and your Transfer (TR) fitness report for the reporting period from 1 January 2015 to 30 June 2015, removed from your record. In this regard, the Board considered your contentions that the AN report should have been a "not observed" report and Section K-4 of the TR report erroneously refers to you as a sergeant when you were actually a staff sergeant. However, the Board determined that removal of the contested reports from your record is not warranted. In this regard, the Board concurred with the AO that you failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting the removal of the reports. Specifically, with regard to the AN report, the Board concurred with the AO that you were graded on the job at hand, assigned duties and responsibilities, and agreed upon expectations;

your grades were not based on a comparison to others of the same grade. Further, the grades you earned were not given to attain a perceived fitness report average or relative value.

With regard to the TR report, the Board noted that your reviewing officer erroneously referred to your grade in Section K-4 as "Sgt." However, the Board concurred with the AO in that the administrative error does not invalidate the report. The Marine Corps' course of action to correct the error was to change "Sgt" to "SSgt" and therefore, the report is no longer in error. Thus, the Board concluded that both contested reports are administratively and procedurally correct as written and filed. Accordingly, your application has been denied.

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 within one year from the date of this letter. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



Executive Director