



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

Docket No: 3965-16

DEC 19 2016

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 12 July 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 opinions furnished by Headquarters, Marine Corps (JPL) dated 29 April and 16 May 2016, which were previously provided to you.

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. In this regard, the Board substantially concurred with the comments contained in the advisory opinions. Specifically, with regards to your fitness report ending 20151130, Marine Corps directives state, in part, leaders must counsel Marines to transmit the guidance, performance standards, and direction for a Marine's success and development. Counseling is not a requirement of the Performance Evaluation System, and any lack of written counseling does not invalidate a report. Further, your Reporting Senior (RS) stated that although the report was beneath his average, does not insinuate adverse performance. With regards to your fitness reports ending 20140630 and 20150623, although you felt your RS on both reports never provided you an initial counselling on your billet requirements and expectations of your performance; you didn't provided anything to support your assertion that you were not counseled by your RS during both reporting periods.

The Board also concurs with the advisory opinions that the 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 the Board's decision. 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,

[REDACTED]

Executive Director