



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

[REDACTED]  
Docket No: 4096-16  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 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 26 April 2016, a copy of which was previously provided to you.

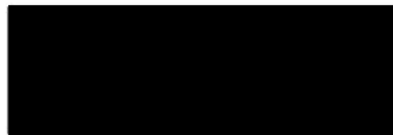
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your entire record and application, carefully considered your desire to have your Transfer (TR) fitness report for the reporting period from 11 July 2008 to 29 May 2009 either changed to a "not observed" report or to have it removed from your record. The Board also considered your desire to have your Directed by the Commandant (DC) fitness report for the reporting period from 2 March 2013 to 28 May 2013, removed from your record. With regard to your TR fitness report, the Board considered your contentions that you were the only student in the Broadened Opportunity for Officer Selection and Training (BOOST) Program to get an observed fitness report, and that the reporting senior (RS) was from another branch of service. With regard to your DC fitness report, the Board considered your contention that the RS's relative value is not consistent with the reviewing officer's (RO) comparative assessment. The Board determined that modifying and/or removal of the contested reports from your record is not warranted. In this regard, the Board concurred with the AO that failed meet the burden of proof necessary to establish an inaccuracy or injustice warranting the removal of the reports. Specifically, with regard to the TR report, the Board concurred with the AO that the report was

for an 11 month period and you were in a transfer status, therefore, an observed report was justified. With regard to the DC report, the Board noted that there is no scale in which the RS's attribute marks must match the RO's comparative assessment. 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