



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

[REDACTED]  
Docket No: 524-17

JUL 03 2017

[REDACTED]  
Dear [REDACTED]

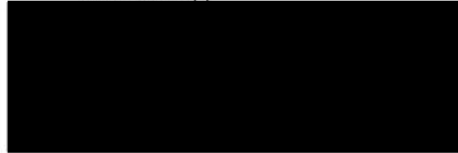
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 April 2017. 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) provided by the Headquarters, Marine Corps dated 4 January 2017 and your rebuttal statement dated 18 February 2017.

The Board, in its review of your entire record and application, carefully considered your desire to remove from your official military personnel file (OMPF) the fitness report (FITREP) for the reporting period 1 January 2015 to 25 June 2015 and replace it with a Change of Reporting Senior FITREP for the same observation period. In this regard, the Board considered your argument that your 22 June 2015 nonjudicial punishment that justified the FITREP was set aside and removed from your record. The Board also considered your rebuttal argument that the FITREP is being used in lieu of disciplinary action; that once the NJP was removed there was no justification for the "A" mark in Judgment; that the action you accepted responsibility for "was not illegal, criminal, nor in violation of the UCMJ" and that the PERB provided a biased AO due to their misunderstanding of the judicial process. However, the Board determined that removing the FITREP is not warranted. In this regard, the Board significantly concurred with the comments and recommendation in the AO, noting that the FITREP did contain administrative errors, but those errors were corrected by the Performance Evaluation Review Board. The Board also determined that your rebuttal is without merit. The Board concluded that the FITREP as modified by the PERB shall remain in your OMPF. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director