



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

[REDACTED]
Docket No: 4997-17
DEC 28 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.

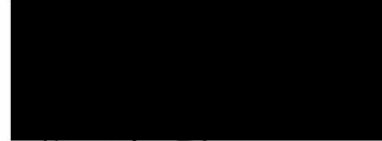
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2017. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative 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, relevant portions of your naval record and applicable statutes, regulations and policies. The advisory opinion provided in Headquarters, Marine Corps memorandum 1610 MMRP-13/PERB dated 31 May 2017 was sent to you for an opportunity to comment prior to being considered by the Board. After receiving your rebuttal statement dated 25 August 2017, the case was presented to the Board.

The Board carefully considered your desire to remove your adverse fitness report (FITREP) for the reporting period 1 August 2015 to 30 May 2016. The Board considered your contention that the FITREP was inappropriately administered and not in accordance with Marine Corps regulations because it was written prior to the adjudication of a Command Investigation (CI), causing the reporting officials to form a premature or biased opinion. The Board also considered your contention that the FITREP was used as a counseling tool for a conduct-based incident, resulting in redundant administrative punishment, that your Commanding Officer (CO) had a negative bias against you throughout his time as a Company Commander, and that your CO was the subject of a Preliminary Inquiry involving alleged unprofessional behavior. Even with consideration of your rebuttal statement, the Board significantly concurred with the AO and concluded that you did not sufficiently substantiate the existence of an error or injustice. The Board determined that removal the FITREP is not warranted. 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

