



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

Docket No: 5000-17  
OCT 24 2017

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 5 July 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. In addition, the Board considered the advisory opinion (AO) furnished by Headquarters, Marine Corps (MMRP) dated 31 May 2017, 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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion. Specifically, you suffered a clear injustice regarding the fitness report covering the period from 20140501 to 20150331. The Board noted that the PERB took administrative action and removed this fitness report from your official military personnel file (OMPF). Regarding the fitness report covering the period from 20150401 to 20150731, the AO states in part, that based on removing the prior report, the first report you received as a sergeant, covering an 11 month reporting period, is in the best interest for you to retain this fitness report in your record. However, the lead sentence in Section I, which read as "Since the last reporting period," was modified since it refers back to the report that had been removed from your OMPF. The Board concurred with the AO that the second report should remain as modified. Accordingly, your application has been denied.

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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