



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

[REDACTED]
Docket No: 5005-17
OCT 26 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 12 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, your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion furnished by Headquarters, Marine Corps (MMRP-13/PERB) 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, per the Performance Evaluation System Manual (MCO P1610.7F), there is no requirement for the Reporting Senior to mark certain attributes adverse because a Marine receives nonjudicial punishment. The fact that Item 6c (Disciplinary Action) of the fitness report was not marked or no attribute was marked adverse does not somehow negate the report adverse. The Board noted that the Performance Evaluation Review Board made modification to the fitness report in question by marking 6c (Disciplinary Action) with an "X". Further, the Board also concurred that you failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting the removal of the fitness report. 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.


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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