



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

[REDACTED]
Docket No: 5256-17
JAN 10 2018

[REDACTED]
Dear [REDACTED]

This is in reference to your two applications for correction of your naval record pursuant to the provisions of Title 10, 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 7 December 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. Additionally, the Board considered the two advisory opinions (AO) provided by Headquarters Marine Corps (MMRP-13/PERB) dated 31 May 2017, copies of which were previously sent to you. See enclosures.

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 to remove the fitness report covering 1 July 2012 to 1 February 2013 or to modify the Reporting Senior (RS) markings on the fitness report covering 2 February 2013 to 31 May 2013. The Board considered your contention that the report is not indicative of your performance during the 1 July 2012 to 1 February 2013 reporting period. The Board also considered your contention that it was not the RS's intention to make the report below average but it is now below average because three subsequent reports on another master sergeant have been written. Additionally, the Board considered your contention that your fitness report covering 2 February 2013 to 31 May 2013 should be modified to reflect your "true evaluation," as provided in the RS's letter, because of your RS's lack of knowledge, at the time, on how to write a fitness report. The Board substantially concurred with the AOs. With regard to the fitness report covering 1 July 2012 to 1 February 2013, you have not shown that the report is not an accurate and fair assessment of your exhibited efforts and results. Additionally, the Reviewing Officer (RO) found the RS's assessment to be valid and added his own review. With regard to the fitness report covering 2 February 2013 to 31 May 2013, the only justification the RS and RO now offer is that the attribute marks need to be written to create a relative value to now be in line with the RS's

profile. Per MCO P1610.7F, the Commandant of the Marine Corps "can approve a revised assessment of a Marine's conduct or performance based entirely on facts about the Marine that were unknown when the original report was prepared." The Board determined the RS and RO have not provided a valid basis for making the requested changes. 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