



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 01537-99
15 April 1999

SSG [REDACTED] SMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [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 15 April 1999. 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 3 March 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

1537-99

IN REPLY REFER TO:
1610
MMER/PERB
MAR 3 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT ██████████, ██████████ USMC

Ref: (a) SSgt. ██████████ DD Form 149 of 18 Jan 99
(b) MCO P1610.7D w/Ch 1
(c) MCO P1610.7D w/Ch 1-2
(d) MCO P1610.7D w/Ch 1-3

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with four members present, met on 26 February 1999 to consider Staff Sergeant ██████████ petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 960302 to 961231 (AN) -- Reference (b) applies
- b. Report B - 970101 to 970716 (CH) -- Reference (c) applies
- c. Report C - 970717 to 971001 (CD) -- Reference (d) applies

2. The petitioner contends the reports are neither accurate nor fair assessments of his performance and were duplicated and/or plagiarized. To support his appeal, the petitioner furnishes a copy of an e-mail transmission from Colonel ██████████

3. In its proceedings, the PERB concluded that all three reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. While the Board acknowledges that Reports A and B are identical, and the Report C is extremely similar, they are not prone to question validity on that basis alone. All three evaluations depict highly satisfactory (excellent/outstanding) performance with absolutely no noted deficiencies whatsoever. Likewise, and although the petitioner states the reports are not accurate or fair assessments of his performance, the Board is quick to note that he has not documented or otherwise proven precisely how or why he may have rated more than what has been recorded. As an aside note, we also observe that the challenged reports (totaling 19 months) are not unlike others received throughout his career (to include his most recent appraisal for the period 980501 to 980904).

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
 ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
 SERGEANT [REDACTED] USMC

b. The e-mail transmission from Colonel [REDACTED] is that officer's concern over "attention to detail" in administrative correspondence and the preparation of fitness reports. It also questions whether the two reports that are "exactly the same" (i.e., Reports A and B) are honest assessments. Absent, however, is any type of response from Lieutenant Colonel [REDACTED] (recipient of the e-mail), Colonel [REDACTED] or the reporting officials involved. Simply stated the Board finds the petitioner's challenge of "inaccurate" as being without merit or substantiation.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance
 Evaluation Review Board
 Personnel Management Division
 Manpower and Reserve Affairs
 Department
 By direction of the Commandant
 of the Marine Corps