



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 5641-99

7 October 1999

CAP [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear C [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.

It is noted that the Commandant of the Marine Corps (CMC) has returned your contested fitness report for 2 July 1997 to 8 May 1998 to your reviewing officer for completion of his certification.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 October 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 31 August 1999 with enclosure, 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. Accordingly, your application for relief beyond that effected by CMC 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

5641-99

IN REPLY REFER TO:  
1610  
MMER/PERB  
AUG 31 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  
CAPTAIN [REDACTED] USMC

Ref: (a) Captain [REDACTED] DD Form 149 of 7 Apr 99  
(b) MCO P1610.7D w/Ch 1-4

Encl: (1) Completed Fitness Report 970702 to 980508 (TR)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 30 June 1999 to consider Captain [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970702 to 980508 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner points out the absence of the completion by Colonel [REDACTED] the "Reviewing Officer's Certification" on page two of the report. It is his belief that the presence of two marks of "excellent" in Section B (Items 14f and 14l) made it imperative that the Reviewing Officer should have sighted the report and provided amplifying comments.

3. In its proceedings, the PERB concluded that:

a. The presence of Colonel [REDACTED]'s initials in Item 25 of the report certainly lends credence to the fact that he sighted the completed evaluation. That he failed to complete the "Reviewing Officer's Certification" on page two is viewed as an administrative error that does not invalidate the overall substance of the challenged evaluation. In this regard, the Board concluded that return of the report to Colonel [REDACTED] for such action would be appropriate.

b. Colonel [REDACTED] <sup>second</sup> as completed the "Reviewing Officer's Certification", albeit marking the ~~first~~ block indicating he did had a <sup>limited</sup> ~~not have sufficient~~ opportunity to observe the petitioner, and ~~therefore had no comment~~. As a final matter, and contrary to what the petitioner may believe, marks of "excellent" require no justification/comment by either the Reporting Senior or the Reviewing Officer.

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

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as reflected in the enclosure, should remain a part of Captain [REDACTED] official military record.

5. The case is forwarded for final action.



Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps



USMC FITNESS REPORT STANDARD ADDENDUM PAGE  
 NAVMC HQ 775 (2-86) (1810)

5641-49

1. MARINE REPORTED ON		d. MI		e. Grade	
a. SSN		c. First Name		W   CAPT	
2. OCCASION AND PERIOD			3. DUTY ASSIGNMENT		
* OCC TR			STUDENT		
4. PURPOSE					
Continuation		Adverse Report		MOMC Use	
<input type="checkbox"/> Section C		<input type="checkbox"/> MPO Statement		<input type="checkbox"/>	
<input type="checkbox"/> RS Certification		<input type="checkbox"/> REVO Statement			
<input checked="" type="checkbox"/> REVO Certification					

5. TEXT

REVIEWING OFFICER'S CERTIFICATION

- I have not had sufficient opportunity to observe this Marine, so I have no comment.
- I have had only limited opportunity to observe this Marine, but from what I have observed I generally concur with the Reporting Senior's marks in Items 15a and b.
- I have had sufficient opportunity to observe this Marine, and concur with the Reporting Senior's marks in Items 15a and b.
- I have had sufficient opportunity to observe this Marine, and do not concur with the Reporting Senior's marks in Items 15a and b. I would evaluate this Marine as \_\_\_\_\_ (Item 15a) and rank this Marine as \_\_\_\_\_ of \_\_\_\_\_ (only rank those evaluated as Outstanding (OS)).

REMARKS (mandatory if Item 4, above, is checked):

6. SUBMITTED BY		7. GENERAL/SENIOR OFFICER ADVERSE REPORT SIGHTING		
NAME (Last, First, MI)		NAME (Last, First, MI)		
GRADE		TITLE		
COL				
DATE		GRADE	INITIAL	DATE

STAPLE ADDITIONAL PAGES HERE Page \_\_\_\_ OF \_\_\_\_

Encl (1)

